

08/20/2019 at 11:48:00 AM

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DEIGO, CENTRAL COURTHOUSE

SERGIO MARTINEZ Sr., an individual and
NIDIA MARTINEZ, an individual and as
personal representatives of the Estate of
GONZALO TRINIDAD MARTINEZ,
Deceased,
and SERGIO ANTONIO MARTINEZ Jr., an
individual;
Plaintiffs,
vs.

LINDSAY CORPORATION, a foreign
corporation; LINDSAY TRANSPORTATION
SOLUTIONS SALES & SERVICE, LLC, a
foreign company; COFFMAN SPECIALITIES,
INC., a California corporation; FERREIRA
CONSTRUCTION, INC., a California
corporation; BARRIER SYSTEMS, a California
corporation, THE STATE OF CALIFORNIA;
CALIFORNIA DEPARTMENT OF
TRANSPORTATION (CALTRANS) and
DOES 1 through 100, inclusive.
Defendants.

CASE NO.: 37-2019-00044008-CU-PL-CTL

COMPLAINT FOR DAMAGES:

- 1) **STRICT LIABILITY-DESIGN**
- 2) **STRICT LIABILITY-
MANUFACTURING DEFECT**
- 3) **NEGLIGENCE-LINDSAY et al**
- 4) **NEGLIGENCE-DEFENDANTS
COFFMAN; FERREIRA**
- 5) **GOVERNMENT CODE-
DANGEROUS CONDITION
OF PUBLIC PROPERTY
LIABILITY-CALIFORNIA**
- 6) **NEGLIGENT INFLECTION
OF EMOTIONAL DISTRESS
(BYSTANDER)**

DEMAND FOR JURY TRIAL

1 Plaintiffs, SERGIO MARTINEZ SR., and NIDIA MARTINEZ, as Co-Personal
2 Representatives of the Estate of GONZALO TRINIDAD MARTINEZ, deceased, and SERGIO
3 ANTONIO MARTINEZ JR., now appear, by and through counsel, in this case, which arises out
4 of the injuries and wrongful death suffered by GONZALO TRINIDAD MARTINEZ in a traffic
5 collision on February 17, 2018, in San Diego County, California, on account of the wrongful and
6 negligent conduct by and/or attributable to the Defendants herein; for cause of action against
7 these Defendants, Plaintiffs state the following contentions:

8 **PARTIES, JURISDICTION & VENUE**

- 9 1. Plaintiff SERGIO MARTINEZ SR. is a citizen and resident of Riverside County,
10 California.
- 11 2. Plaintiff NIDIA MARTINEZ is a citizen and resident of Riverside County, California.
- 12 3. GONZALO TRINIDAD MARTINEZ, deceased was the natural son of Sergio Martinez
13 Sr. and Nidia Martinez. Gonzalo was born on August 3, 1995 and died on February 17,
14 2018.
- 15 4. SERGIO MARTINEZ SR. and NIDIA MARTINEZ, as surviving parents of Gonzalo
16 Trinidad Martinez, deceased, are duly appointed as the Co-Representatives of his estate.
- 17 5. The potential beneficiaries of the Estate of Gonzalo Trinidad Martinez in this wrongful
18 death action and the relationship to each to the decedent are as follows:
 - 19 a. Sergio Martinez Sr., surviving parent;
 - 20 b. Nidia Martinez, surviving parent; and
 - 21 c. The Estate of Gonzalo Trinidad Martinez
- 22 6. Plaintiff SERGIO MARTINEZ JR. is a citizen and resident of San Diego County,
23 California.
- 24 7. Defendant VALMONT INDUSTRIES, INC., organized in the State of Nebraska, which
25 at all relevant times was doing business in the jurisdiction of San Diego County,
26 California. Valmont Industries is a foreign for-profit corporation organized and existing
27 under the laws of Nebraska with its principal place of business at One Valmont Plaza,
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1 Omaha, Nebraska 68154-5215. Valmont Industries is subject to personal jurisdiction in
2 the state of California because it is engaged in substantial and not isolated activity within
3 the state of California; and Plaintiffs' action arises from Valmont Industries transacting
4 business in California or contracting to supply services or things in California or
5 contracting to supply services or things in California; committing a tortious act within
6 California; or causing injury to persons or property within California arising out of an act
7 or omission by Valmont Industries while, at or about the time of the injury, Valmont
8 Industries was engaged in solicitation or service activities within California, or products,
9 materials, or things processed, serviced, or manufactured by Valmont Industries were
10 used or consumed within California in the ordinary course of commerce, trade, or use, for
11 which Valmont Industries derived substantial revenue. (Cal. Civ. Pro §410.10)

12 8. In 2013, Defendant Valmont Industries acquired Defendant Armorflex International
13 Limited and its products, including the X-LITE guardrail end terminals involved in the
14 accident at issue in this lawsuit. This acquisition amounted to a merger or de facto merger
15 wherein liability for defects associated with the subject guardrail system was assumed by
16 Valmont.

17 9. Valmont Industries designs, develops, manufactures, tests, markets, promotes, advertises,
18 distributes, sells, and/or participates in governmental approval processes of guardrail
19 systems installed in California and throughout the United States, including the subject
20 guardrail and end terminal. Valmont Industries uses the registered trademark name "X-
21 LITE" to identify its unique and patented highway guardrail end terminals. The X-LITE
22 can be used at the termination of flexible barriers on the shoulder of a roadway or in the
23 median.

24 10. Defendant VALMONT HIGHWAY, a subsidiary of Valmont Industries, Inc., is a foreign
25 for-profit corporation organized and existing under the laws of Australia with its principal
26 place of business at 57-65 Airds Road, Minto NSW 2566 Australia. Valmont Highway is
27 subject to personal jurisdiction in the state of California because it is engaged in
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1 substantial and not isolated activity within the state of California; and Plaintiffs' action
2 arises from Valmont Highway transacting business in California or contracting to supply
3 services or things in California; committing a tortious act within California; or causing
4 injury to persons or property within California arising out of an act or omission by
5 Valmont Highway while, at or about the time of the injury, Valmont Highway was
6 engaged in solicitation or service activities within California, or products, materials, or
7 things processed, serviced, or manufactured by Valmont Highway were used or
8 consumed within California in the ordinary course of commerce, trade, or use, for which
9 Valmont Highway derived substantial revenue. (Cal. Civ. Pro §410.10)

10 11. Valmont Highway, designs, develops, manufactures, tests, markets, promotes, advertises,
11 distributes, sells, and/or participates in governmental approval processes of guardrail
12 systems installed in California and throughout the United States, including the subject
13 guardrail and end terminal. Valmont Highway uses the registered trademark name "X-
14 LITE" to identify its unique and patented highway guardrail end terminals. The X-LITE
15 can be used at the termination of flexible barriers on the shoulder of a roadway or in the
16 median.

17 12. Defendant ARMORFLEX INTERNATIONAL LIMITED ("hereinafter Armorflex"), a
18 subsidiary of Valmont Industries, Inc., is a foreign for-profit corporation organized and
19 existing under the laws of New Zealand with its principal place of business at 8 Paul
20 Matthew Road, Auckland 0632, New Zealand. Armorflex was acquired by Valmont
21 Industries Inc., in 2013. Armorflex is subject to personal jurisdiction in the state of
22 California because it is engaged in substantial and not isolated activity within the state of
23 California; and Plaintiffs' action arises from Armorflex transacting business in California
24 or contracting to supply services or things in California or contracting to supply services
25 or things in California; committing a tortious act within California; or causing injury to
26 persons or property within California arising out of an act or omission by Armorflex
27 while, at or about the time of the injury, Armorflex was engaged in solicitation or service
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1 activities with in California, or products, materials, or things processed, serviced, or
2 manufactured by Armorflex were used or consumed within California in the ordinary
3 course of commerce, trade, or use, for which Armorflex derived substantial revenue.
4 (Cal. Civ. Pro §410.10)

5 13. Armorflex designs, develops, manufactures, tests, markets, promotes, advertises,
6 distributes, sells, and participates in governmental approval processes of guardrail
7 systems installed in California and throughout the United States, including the subject
8 guardrail and end terminal. Armorflex uses the registered trademark name "X-LITE" to
9 identify its unique and patented highway guardrail end terminals. The X-LITE can be
10 used at the termination of flexible barriers on the shoulder of a roadway or in the median.
11 Armorflex holds the patent on the X-LITE.

12 14. Defendant LINDSAY CORPORATION (hereinafter "Lindsay Corp") is a foreign
13 corporation, organized in the state of Delaware, which at all relevant times was doing
14 business in the jurisdiction of this Honorable Court. Lindsay Corp's principal place of
15 business is located at 222 North 111th Street, Omaha, Nebraska 68164. Lindsay Corp is
16 subject to personal jurisdiction in the state of California because it is engaged in
17 substantial and not isolated activity within the state of California; and Plaintiffs' action
18 arises from Lindsay Corp transacting business in California or contracting to supply
19 services or things in California; committing a tortious act within California; or causing
20 injury to persons or property within California arising out of an act or omission by
21 Lindsay Corp while, at or about the time of the injury, Lindsay Corp was engaged in
22 solicitation or service activities within California, or products, materials, or things
23 processed, serviced, or manufactured by Lindsay Corp were used or consumed within
24 California in the ordinary course of commerce, trade, or use, for which Lindsey Corp
25 derived substantial revenue. (Cal. Civ. Pro §410.10)

26 15. Lindsay Corp designs, develops, manufactures, tests, markets, promotes, advertises,
27 distributes, sells, and participates in governmental approval processes of guardrail
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1 systems installed in California and throughout the United States, including the subject
2 guardrail and end terminal. Lindsay Corp uses the registered trademark name "X-LITE"
3 to identify its unique and patented highway guardrail end terminals. The X-LITE can be
4 used at the termination of flexible barriers on the shoulder of a roadway or in the median.
5 Lindsay Corp holds the license and the trademark to the patented X-LITE.

6 16. Defendant LINDSAY TRANSPORTATION SOLUTIONS SALES & SERVICE, INC.

7 (hereinafter "Lindsay TSSS") is a California corporation, organized in the state of
8 California, and is a wholly owned subsidiary and/or operational unit or division of
9 Lindsay Corp, which at all relevant times was doing business in California. Lindsay
10 TSSS's principal place of business is located at 180 River Road, Rio Vista, California
11 94571. Lindsay TSSS is subject to personal jurisdiction in the state of California because
12 it is a California citizen, it is engaged in substantial and not isolated activity within the
13 state of California; and Plaintiffs' action arises from Lindsay TSSS transacting business
14 in California or contracting to supply services or things in California or contracting to
15 supply services or things in California; committing a tortious act within California; or
16 causing injury to persons or property within California arising out of an act or omission
17 by Lindsay TSSS while, at or about the time of the injury, Lindsay TSSS was engaged in
18 solicitation or service activities with in California, or products, materials, or things
19 processed, serviced, or manufactured by Lindsay TSSS were used or consumed within
20 California in the ordinary course of commerce, trade, or use, for which Lindsey Corp.
21 derived substantial revenue. (Cal. Civ. Pro §410.10)

22 17. Lindsay TSSS designs, develops, manufactures, tests, markets, promotes, advertises,
23 distributes, sells, and participates in governmental approval processes of guardrail
24 systems installed in California and throughout the United States, including the subject
25 guardrail and end terminal. Lindsay TSSS uses the registered trademark name "X-
26 LITE" to identify its unique and patented highway guardrail end terminals. The X-LITE
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1 can be used at the termination of flexible barriers on the shoulder of a roadway or in the
2 median.

3 18. Defendant BARRIER SYSTEMS, INC., (hereinafter "Barrier Systems") is a corporation,
4 organized in the state of California, and is a wholly owned subsidiary and/or operational
5 unit or division of Lindsay Cor. or Lindsay TSSS, which at all relevant times was doing
6 business in the jurisdiction of San Diego, California. Barrier Systems' principal place of
7 business is located at 180 River Road, Rio Vista, California 94571. Barrier Systems is
8 subject to personal jurisdiction in the state of California because it is engaged in
9 substantial and not isolated activity within the state of California; and Plaintiffs' action
10 arises from Barrier Systems transacting business in California or contracting to supply
11 services or things in California or contracting to supply services or things in California;
12 committing a tortious act within California; or causing injury to persons or property
13 within California arising out of an act or omission by Barrier Systems while, at or about
14 the time of the injury, Barrier Systems was engaged in solicitation or service activities
15 with in California, or products, materials, or things processed, serviced, or manufactured
16 by Barrier Systems were used or consumed within California in the ordinary course of
17 commerce, trade, or use, for which Barrier Systems derived substantial revenue. (Cal.
18 Civ. Pro §410.10)

19 19. Barrier Systems designs, develops, manufactures, tests, markets, promotes, advertises,
20 distributes, sells, and participates in governmental approval processes of guardrail
21 terminals in California and throughout the United States, including the subject guardrail
22 and end terminal. The X-LITE can be used at the termination of flexible barriers on the
23 shoulder of a roadway or in the median.

24 20. VALMONT INDUSTRIES, INC.; VALMONT HIGHWAY; ARMORFLEX
25 INTERNATIONAL LIMITED; LINDSAY CORPORATION; LINDSAY
26 TRANSPORTATION SOLUTIONS SALES & SERVICE, LLC; and BARRIER
27 SYSTEMS are referred to as collectively "Lindsay" or "Lindsay Defendants."
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1 21. The STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

2 ("CALTRANS") (herein after "CALTRANS") is, and was a public entity responsible for
3 the design, maintenance and control of Eastbound Interstate I-8 in the unincorporated
4 area of County of San Diego, 244 feet west of Mica Gem Mine Road.

5 22. The STATE OF CALIFORNIA, is, and was, a public entity responsible for design,
6 maintenance, and control of Eastbound Interstate I-8 in the unincorporated area of
7 County of San Diego, 244 feet west of Mica Gem Mine Road. Defendants CALTRANS
8 and the State of California had responsibility for and did own, operate, control, possess,
9 supervise, service, maintain, inspect, repair, entrust, use, furnish, design, and construct
10 the premise known as Eastbound Interstate I-8 in the unincorporated area of County of
11 San Diego, 244 feet west of Mica Gem Mine Road, California, including the guardrail,
12 paved shoulder and soft shoulder of the road.

13 23. COFFMAN SPECIALITIES, INC (hereinafter "Coffman") is a California for-profit
14 corporation, which at all relevant times was doing business within the jurisdiction of San
15 Diego County, California. Coffman's principal place of business is located at 9685 Via
16 Excelencia Ste. 200, San Diego, California 92126. Coffman is subject to personal
17 jurisdiction in the state of California because it is California citizen, it is engages in
18 substantial and not isolated activity within the state of California, and Plaintiff's action
19 arises from Coffman transacting business in California, or contracting to supply services
20 or things in California, committing a tortious act within California, or causing injury to
21 persons or property within California arising out of an act or omission by Coffman while,
22 at or about the time of the injury, Coffman was engaged in solicitation or service
23 activities within California or products, materials, or things processed, or serviced by
24 Coffman were used or consumed within California in the ordinary course of commerce,
25 trade, or use, for which Coffman derived substantial revenue. (Cal. Civ. Pro §410.10)

26 24. Coffman maintains, inspects, and/or installs guardrail terminals and end terminals in
27 California including the subject guardrail and end terminal.
28

1 25. FERREIRA CONSTRUCTION, INC. (hereinafter "Ferreira") is a California for-profit
2 corporation, which at all relevant times was doing business within the jurisdiction of San
3 Diego County, California. Ferreira's principal place of business is located at 11829 Butte
4 Creek Island Road, Chico California 95928. Ferreira is subject to personal jurisdiction in
5 the state of California because it is California citizen, it is engages in substantial and not
6 isolated activity within the state of California, and Plaintiff's action arises from Ferreira
7 transacting business in California, or contracting to supply services or things in
8 California, committing a tortious act within California, or causing injury to persons or
9 property within California arising out of an act or omission by Ferreira while, at or about
10 the time of the injury, Ferreira was engaged in solicitation or service activities within
11 California or products, materials, or things processed, or serviced by Ferreira were used
12 or consumed within California in the ordinary course of commerce, trade, or use, for
13 which Ferreira derived substantial revenue. (Cal. Civ. Pro § 410.10)

14 26. Ferreira maintains, inspects, and/or installs guardrail terminals and end terminals in
15 California including the subject guardrail and end terminal.

16 27. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as
17 DOES 1-100 and therefore sues these defendants by such fictitious names pursuant to
18 Code of Civil Procedure Section 474. Plaintiff is informed and believes, upon such
19 information and belief, alleges that each of the defendants designated as a DOE are
20 legally responsible in some manner for the events and happenings and caused damages,
21 as alleged herein. Plaintiff will seek leave of the Court to amend this Complaint to show
22 the true names and capacities of defendants, designated as Does when the same has been
23 ascertained.

24 28. Jurisdiction and venue are proper in this Honorable Court because San Diego County,
25 state of California is the county and state in which the subject accident giving rise to this
26 Complaint took place.

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ALLEGATIONS COMMON TO ALL COUNTS

29. On or about February 17, 2018, at or near the south side of Eastbound Interstate I-8 in the unincorporated area of County of San Diego, 244 feet west of Mica Gem Mine Road; the driver and owner of the vehicle, a 2016 Volkswagen Jetta, was Gonzalo Trinidad Martinez, an unmarried man without any issue, the son of Plaintiffs Sergio Martinez Sr. and Nidia Martinez, and the brother of Sergio Antonio Martinez, Jr., who was a passenger in the same vehicle at the time of the incident.

30. The vehicle collided with the starting point of a metal beam guardrail end terminal (a.k.a. end cap, end treatment or end post) believed to be Defendant Lindsay Corp's X-LITE Redirective, Gating End Terminal System (hereinafter "X-LITE") that was designed, manufactured, distributed, constructed, and/or installed by Defendants Lindsay Transportation Solutions Sales & Service, LLC, Coffman Specialties Inc., and Ferreira Construction, Inc.

31. Upon impact, the X-LITE folded back, pulled away from the posts and the sharp metal edges impaled the Volkswagen Jetta and sliced through into the driver's compartment, striking and killing Gonzalo Trinidad Martinez and injuring Sergio Antonio Martinez, Jr. At the scene, the guardrail was found protruding through the vehicle's windshield, cabin area, and extended through the rear windshield approximately 20 feet. The vehicle sustained damage including a detached front bumper, severely creased and partially detached hood, intrusion damage to the engine compartment, detached fenders, broken windshield, interior dashboard crushed, broken rear window, dented and gouged trunk, detached driver seat head rest and severe undercarriage damage. The vehicle's driver side seat belt was found locked in the fully retracted position.

32. Specifically, the X-LITE system failed to properly perform, absorb the impact forces, and telescope the W-beam panels of the guardrail upon impact. As a result, when the X-LITE end terminal system was impacted by the Decedent's vehicle, it did not maintain its integrity and stop the W-beam from becoming detached from the post, thus allowing the W-beams to pierce through the vehicle's front windshield, cowl, and enter its driver's

1 side occupant compartment. Further, the W-beam traveled through the occupant
2 compartment through the back windshield before impaling the vehicle on the railing. A
3 proper design, construction, and installation should have allowed the energy from the
4 impact, including a head-on impact, to be absorbed; bring the vehicle to a stop and
5 prevent the end-terminal portion of the guardrail from becoming detached so as to
6 penetrate the impacting vehicle.

7 33. As a proximate result of the above described defects and failure to warn, the guardrail
8 penetrated the vehicle through the front windshield contacting Gonzalo Trinidad
9 Martinez, causing fatal injury by decapitation. Plaintiff Sergio Antonio Martinez, Jr.
10 sustained lacerations to the head and mental trauma from the experience.

11 34. In the alternative, the X-LITE Guardrail failed to perform as intended during the
12 collision because it was improperly installed by Coffman Specialties, Inc., and Ferreira
13 Construction, Inc. due to the Lindsay Defendants failure to provide adequate installation
14 and/or maintenance instructions.

15 35. Plaintiffs are informed and believe and thereon allege that at all times mentioned herein,
16 Eastbound Interstate I-8 in the unincorporated area of County of San Diego, 244 feet west
17 of Mica Gem Mine Road, including the paved shoulder and soft shoulder of the road, and
18 guardrail constituted a dangerous condition of property as the condition of the property
19 created a substantial risk of injury when the property was used with due care and in a
20 manner in which it was reasonably foreseeable that it would be used.

21 36. Plaintiffs are informed and believe and thereon allege that at all times mentioned herein,
22 Defendants CALTRANS and the State of California were responsible for the design,
23 maintenance and control and for the dangerous condition upon said property.

24 37. Plaintiffs are further informed and believe and thereon allege that the dangerous
25 condition was created by a negligent or wrongful act or omission of an employee of
26 Defendant CALTRANS and the Sate of California while within the course and scope of
27 their employment. Plaintiffs are further informed and believe and thereon allege that
28 Defendant CALTRANS and the State of California had actual or constructive notice of

1 the dangerous condition within a sufficient amount of time prior to the February 17, 2018
2 vehicle collision giving rise to this complaint to have taken measures to protect against
3 the dangerous condition. Defendants CALTRANS and the State of California knew that
4 the guardrails used in this section of the highway were unsafe and had taken measures to
5 remove other X-LITE guardrails of this type in other areas.

6 38. Plaintiffs are informed and believe and thereon allege that the dangerous condition had
7 existed for such a period of time and was of such an obvious nature that Defendants
8 CALTRANS and the State of California, in the exercise of due care, should have
9 discovered the condition and its dangerous character. Plaintiffs are further informed and
10 believe and thereon allege that an inspection system which was reasonably adequate to
11 inform Defendants CALTRANS and the State of California whether the guardrail was
12 safe for the use intended and/or the use which Defendants CALTRANS and the State of
13 California knew others were making of the public property would have discovered the
14 existence of the condition and its dangerous character.

15 39. Eastbound Interstate I-8 in the unincorporated area of County of San Diego, 244 feet west
16 of Mica Gem Mine Road, California, including the paved shoulder and soft shoulder of
17 the road, and guardrail was in a dangerous condition on February 17, 2018 and Plaintiffs'
18 injuries were proximately caused by the dangerous condition of the property and the
19 dangerous condition of the property created a reasonably foreseeable risk of the kind of
20 injuries which were incurred. Additionally, the dangerous condition was directly
21 attributable wholly or in substantial part to a negligent or wrongful act of an employee or
22 employees of Defendants CALTRANS and the State of California and those employees
23 had the authority and the funds or other means immediately available to take alternative
24 action which would not have created the dangerous condition. Plaintiffs are further
25 informed and believe and thereon allege that the employee or employees of Defendants
26 CALTRANS and the State of California had the authority and responsibility to take
27 adequate measures to protect against the dangerous condition at the expense of the public
28 entities and the funds and other means for doing so were immediately available to them

1 and they had actual or constructive notice of the dangerous condition a sufficient time
2 prior to the vehicle collision giving rise to this complaint to have taken measures to
3 protect against the dangerous condition.

4 40. Plaintiffs are informed and believe and thereon allege that due to the amount of data
5 available, the public employees of Defendants CALTRANS and the State of California
6 had actual notice of the dangerous condition because they either had actual personal
7 knowledge of the existence of the dangerous condition and/or knew or should have
8 known of its dangerous character. Plaintiffs are further informed and believe and thereon
9 allege that Defendants CALTRANS and the State of California had constructive notice of
10 the dangerous condition based upon a duty to inspect.

11 41. Plaintiffs are informed and believe and thereon allege that Defendants CALTRANS and
12 the State of California, and their employees, were unreasonable in their acts or omissions
13 in creating the dangerous condition, which, viewing the probability and gravity of the
14 potential injury of persons and property foreseeably exposed to the risk of injury against
15 the practicability and cost of taking alternative action that would not create the risk of
16 injury or protect against the risk of injury.

17 42. Plaintiffs assert that the condition of the Eastbound Interstate I-8 in the unincorporated
18 area of County of San Diego, 244 feet west of Mica Gem Mine Road, California,
19 including the paved shoulder and soft shoulder of the road including but not limited to the
20 X-LITE guardrail constituted a dangerous condition of public property and that said
21 dangerous condition caused the vehicle collision giving rise to this Complaint.

22 43. Prior to the time of filing this complaint, Plaintiffs satisfied the requirement of the
23 presentation of a Government Claim pursuant to Government Code Section 910 by
24 presenting Government Claims to the Government entities named in this Complaint,
25 within six months of February 17, 2018. Plaintiffs' Government Claims were rejected
26 and/or not acted upon and Plaintiffs have satisfied all pre-litigation Government Claim
27 presentation requirements and other filing requirements.

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FIRST CAUSE OF ACTION
STRICT LIABILITY-DEFECT IN DESIGN
(Against Lindsay Defendants)

44. Plaintiffs realleges and incorporates by reference herein each and every allegation contained hereinabove as though fully set forth herein.

45. The Lindsay Defendants owed a duty of reasonable care in the design development, testing, manufacture, assembly, inspection, marketing, distribution, promotion, training, advertisement and sale of the Subject Guardrail so as to avoid exposing Plaintiffs to unnecessary and unreasonable risks.

46. The Lindsay Defendants breached that duty in one or more of the following ways:

- a. By negligently failing to use due care in the design, development, manufacture, assembly, testing, inspection, marketing, promotion, training, distribution, advertising, sale, or processing of the Subject Guardrail and its component parts, in order to avoid the aforementioned risks to individuals;
- b. By failing to adequately warn foreseeable purchasers, installers, and end users of the unreasonable dangerous and defective condition(s) of the X-LITE end terminal, despite the fact that they knew or should have known of the unreasonably dangerous condition(s);
- c. By failing to disclose known problems and defects;
- d. By marketing the X-LITE as safe;
- e. By failing to adequately provide proper and clear installation, repair, maintenance, and/or instruction manuals, and failing to provide adequate warnings;
- f. By failing to comply with reasonable and necessary guidelines, including those of the Department of Transportation, the Federal Highway Administration, and/or the National Cooperative Highway Research Program (NCHRP);
- g. By failing to design and/or manufacture the X-LITE end terminal according to the specifications created by the Texas Transportation Institute and approved by the

1 Department of Transportation, the Federal Highway Administration, and/or the
2 NCHRP;

- 3 h. By failing to make timely corrections to the design of the subject guardrail to
4 correct the guardrail system;
- 5 i. By failing to adequately identify and mitigate the hazards associated with the
6 guardrail system in accordance with good engineering practices;
- 7 j. By failing to adequately test the subject guardrail system, including the head and
8 rail system, to ensure it provided foreseeable owners and passengers of the
9 motoring public with reasonable safety in foreseeable impacts;
- 10 k. By manipulating, misrepresenting, and/or concealing testing data pertaining to the
11 subject guardrail system;
- 12 l. By failing to disclose known problems and defects;
- 13 m. By failing to meet or exceed internal corporate guidelines;
- 14 n. By failing to recall the guardrail system or, alternatively, retrofitting the guardrail
15 system to provide reasonable safety for the motoring public; and
- 16 o. By failing to recall the X-LITE end terminal to enhance safety.

17 47. As a direct and proximate result of the Lindsay Defendants' negligence, Gonzalo
18 Trinidad Martinez suffered fatal injuries and the Defendants are responsible for his death
19 and damages as set forth below:

- 20 a. Sergio Martinez Sr., the surviving parent of Gonzalo Trinidad Martinez, deceased,
21 has suffered and will continue to suffer mental and physical suffering, loss of
22 society and companionship, and all other damages and expenses allowed under
23 California law;
 - 24 b. Nidia Martinez, the surviving parent of Gonzalo Trinidad Martinez, deceased, has
25 suffered and will continue to suffer mental and physical suffering, loss of society
26 and companionship, and all other damages and expenses allowed under California
27 law; and
- 28

1 c. The Estate of Gonzalo Trinidad Martinez has lost prospective net accumulations
2 and has incurred medical and funeral expenses due to the decedent's injury and
3 death.

4 48. As a direct and proximate result of the Lindsay Defendants negligence, Sergio Antonio
5 Martinez, Jr., suffered injuries and the Defendants are responsible for his damages.
6 Plaintiff suffered debilitating physical pain and mental suffering; was required to be
7 hospitalized, incurred medical, hospital and pharmaceutical expenses therefrom; suffered
8 pain and suffering (past and future), mental anguish (past and future), emotional distress,
9 anxiety, depression and disability, loss of past wages, loss of earning capacity, medical
10 bills, and lost quality of life, and all of these injuries are permanent and continuing.

11 WHEREFORE, Plaintiffs, SERGIO MARTINEZ SR. and NIDIA MARTINEZ, as the
12 Co-Personal Representatives of the Estate of GONZALO TRINIDAD MARTINEZ, deceased,
13 for the benefit of the respective survivors and Estates, and SERGIO ANTONIO MARTINEZ JR.
14 demand judgment for compensatory damages and costs against Defendants, VALMONT
15 INDUSTRIES, INC.; VALMONT HIGHWAY; ARMORFLEX INTERNATIONAL LIMITED;
16 LINDSAY CORPORATION; LINDSAY TRANSPORTATION SOLUTIONS SALES &
17 SERVICE, LLC; and BARRIER SYSTEMS (collectively "Lindsay Defendants").

18 **SECOND CAUSE OF ACTION**

19 **STRICT LIABILITY-MANUFACTURING DEFECT**

20 **(Against Lindsay Defendants)**

21 49. Plaintiffs realleges and incorporates by reference herein each and every allegation
22 contained hereinabove as though fully set forth herein.

23 50. This is a Count for strict liability against the Lindsay Defendants.

24 51. At all times material to this cause of action, the Lindsay Defendants were in the business
25 of, and gained profits from, the design development, testing, manufacture, assembly,
26 inspection, marketing, distribution, promotion, advertisement, and/or sale of X-LITE
27 guardrail system through the stream of commerce.
28

1 52. At all times material to this cause of action, the subject Guardrail system was
2 unreasonably dangerous and defective because:

- 3 a. The Lindsay Defendants failed to use due care in the design, development,
4 manufacture, assembly, testing, inspection, marketing, promotion, distribution,
5 advertising, sale, and/or processing of the Subject Guardrail and its component
6 parts, in order to avoid the aforementioned risks to individuals;
- 7 b. The Lindsay Defendants failed to adequately warn foreseeable purchasers,
8 installers, and end users of the unreasonable dangerous and defective condition(s)
9 of the X-LITE end terminal, despite the fact that they knew or should have known
10 of the unreasonably dangerous condition(s);
- 11 c. The Lindsay Defendants failed to disclose known problems and defects;
- 12 d. The Lindsay Defendants marketed the X-LITE as safe;
- 13 e. The Lindsay Defendants failed to adequately provide proper and clear installation,
14 maintenance, and repair instruction manuals, and failed to provide adequate
15 warnings;
- 16 f. The Lindsay Defendants failed to comply with reasonable and necessary
17 guidelines, including those of the Department of Transportation, the Federal
18 Highway Administration, and the NCHRP;
- 19 g. The Lindsay Defendants failed to design and/or manufacture the X-LITE end
20 terminal according to the specifications created by the Texas Transportation
21 Institute and approved the Department of Transportation, the Federal Highway
22 Administration, and/or the NCHRP;
- 23 h. The Lindsay Defendants failed to make timely corrections to the design of the
24 subject guardrail to correct the guardrail system;
- 25 i. The Lindsay Defendants failed to adequately identify and mitigate the hazards
26 associate with the guardrail system in accordance with good engineering
27 practices;

- j. The Lindsay Defendants failed to adequately test the subject guardrail system, including the head and rail system to ensure it provided foreseeable owners and passengers of the motoring public with reasonable safety in foreseeable impacts;
- k. The Lindsay Defendants manipulated, misrepresented, and/or concealed testing data pertaining to the subject guardrail system;
- l. The Lindsay Defendants failed to disclose known problems and defects;
- m. The Lindsay Defendants failed to meet or exceed internal corporate guidelines;
- n. The Lindsay Defendants failed to recall the guardrail system or, alternatively, retrofit the guardrail system to provide reasonable safety for the motoring public; and
- o. The Lindsay Defendants failed to recall the X-LITE end terminal to enhance safety.

53. The Lindsay Defendants designed, developed, manufactured, assembled, tested, inspected, marketed, promoted, distributed, advertised, sold, and/or processed the guardrail system and/or its component parts that is the subject of this litigation with unintended and unreasonably dangerous defects, which unintended and unreasonably dangerous defects were present in the guardrail system and/or its component parts when the Defendants placed the guardrail system and/or its component parts into the stream of commerce.

54. The subject guardrail did not undergo any material change or alteration from the time of sale through, up to and including, the time of the aforementioned crash.

55. As a direct and proximate result of the Lindsay Defendants negligence, Gonzalo Trinidad Martinez suffered fatal injuries and the Defendants are responsible for his death and damages as set forth below:

- a. Sergio Martinez Sr., the surviving parent of Gonzalo Trinidad Martinez, deceased, has suffered and will continue to suffer mental and physical suffering, loss of society and companionship, and all other damages and expenses allowed under California law;

- 1 b. Nidia Martinez, the surviving parent of Gonzalo Trinidad Martinez, deceased, has
2 suffered and will continue to suffer mental and physical suffering, loss of society
3 and companionship, and all other damages and expenses allowed under California
4 law; and
- 5 c. The Estate of Gonzalo Trinidad Martinez has lost prospective net accumulations
6 and has incurred medical and funeral expenses due to the decedent's injury and
7 death.

8 56. As a direct and proximate result of the Lindsay Defendants negligence, Sergio Antonio
9 Martinez, Jr. suffered injuries and the Defendants are responsible for his damages.
10 Plaintiff suffered debilitating physical pain and mental suffering; was required to be
11 hospitalized, incurred medical, hospital and pharmaceutical expenses therefrom; suffered
12 pain and suffering (past and future), mental anguish (past and future), emotional distress,
13 anxiety, depression and disability, loss of past wages, loss of earning capacity, medical
14 bills, and lost quality of life, and all of these injuries are permanent and continuing.

15 WHEREFORE, Plaintiffs, SERGIO MARTINEZ SR. and NIDIA MARTINEZ, as the
16 Co-Personal Representatives of the Estate of GONZALO TRINIDAD MARTINEZ, deceased,
17 for the benefit of the respective survivors and Estates, and SERGIO ANTONIO MARTINEZ JR.
18 demand judgment for compensatory damages and costs against Defendants, VALMONT
19 INDUSTRIES, INC.; VALMONT HIGHWAY; ARMORFLEX INTERNATIONAL LIMITED;
20 LINDSAY CORPORATION; LINDSAY TRANSPORTATION SOLUTIONS SALES &
21 SERVICE, LLC; and BARRIER SYSTEMS (collectively "Lindsay Defendants").

22 **THIRD CAUSE OF ACTION**

23 **NEGLIGENCE**

24 **(Against Coffman and Ferreira)**

25 57. Plaintiffs realleges and incorporates by reference herein each and every allegation
26 contained hereinabove as though fully set forth herein.

27 58. Defendants Coffman Specialties, Inc. and Ferreira Construction, Inc. contracted with the
28 CALTRANS to complete CALTRANS projects of adding, installing, inspecting,

1 maintaining, repairing, replacing, and/or overseeing the subject guardrail on I-8 in San
2 Diego County, California.

3 59. Coffman and Ferreira had a duty to properly install, inspect, maintain, repair, monitor,
4 and/or oversee such projects in a manner so as to protect individuals such as Gonzalo
5 Trinidad Martinez & Sergio Antonio Martinez, Jr. from unnecessary and unreasonable
6 risks.

7 60. Coffman and Ferreira knew or should have known by the exercise of reasonable care that
8 the Guardrail was not properly installed and secured such that upon impact at highway
9 speed, it would separate allowing for a failure of the Guardrail system and thus allow
10 intrusion of the guardrail into the subject vehicle.

11 61. Coffman and Ferreira breached their duty in one of more of the following ways:

- 12 a. Failing to properly install, construct, maintain, repair, monitor, and/or inspect the
13 subject Guardrail/X-LITE end terminal;
- 14 b. Failing to discover the hazardous and unsafe condition of the subject Guardrail/X-
15 LITE end terminal;
- 16 c. Failing to correct the hazardous and unsafe condition of the subject Guardrail/X-
17 LITE end terminal; and installed, constructed, maintained, repaired and/or
18 inspected the subject Guardrail/X-LITE end terminal.

19 62. Coffman and Ferreira acts and/or omissions created an unreasonable risk of injuries to
20 vehicle occupants and the motoring public, including Gonzalo Trinidad Martinez and &
21 Sergio Antonio Martinez, Jr.

22 63. As a direct and proximate result of Coffman Specialties, Inc. and Ferreira Construction,
23 Inc.'s negligence, Gonzalo Trinidad Martinez suffered fatal injuries and the Defendants
24 are responsible for his death and damages as set forth below:

- 25 d. Sergio Martinez Sr., the surviving parent of Gonzalo Trinidad Martinez, deceased,
26 has suffered and will continue to suffer mental and physical suffering, loss of
27 society and companionship, and all other damages and expenses allowed under
28 California law;

- 1 e. Nidia Martinez, the surviving parent of Gonzalo Trinidad Martinez, deceased, has
2 suffered and will continue to suffer mental and physical suffering, loss of society
3 and companionship, and all other damages and expenses allowed under California
4 law; and
5 f. The Estate of Gonzalo Trinidad Martinez has lost prospective net accumulations
6 and has incurred medical and funeral expenses due to the decedent's injury and
7 death.

8 64. As a direct and proximate result of Coffman Specialties, Inc. and Ferreira Construction,
9 Inc.'s negligence, Sergio Antonio Martinez, Jr. suffered injuries and the Defendants are
10 responsible for his damages. Sergio Antonio Martinez, Jr. suffered debilitating physical
11 pain and mental suffering; was required to be hospitalized, incurred medical, hospital and
12 pharmaceutical expenses therefrom; suffered pain and suffering (past and future), mental
13 anguish (past and future), emotional distress, anxiety, depression and disability, loss of
14 past wages, loss of earning capacity, medical bills, and lost quality of life, and all of these
15 injuries are permanent and continuing.

16 WHEREFORE, Plaintiffs, SERGIO MARTINEZ SR. and NIDIA MARTINEZ, as the
17 Co-Personal Representatives of the Estate of GONZALO TRINIDAD MARTINEZ, deceased,
18 for the benefit of the respective survivors and Estates, and SERGIO ANTONIO MARTINEZ JR.
19 demand judgment for compensatory damages and costs against Defendants COFFMAN
20 SPECIALITIES, INC. and FERREIRA CONSTRUCTION, INC.

21 **FOURTH CAUSE OF ACTION**

22 **NEGLIENCE**

23 **(Against Lindsay Defendants)**

24 65. Plaintiffs realleges and incorporates by reference herein each and every allegation
25 contained hereinabove as though fully set forth herein.

26 66. The Lindsay Defendants owed a duty of reasonable care in the design development,
27 testing, manufacture, assembly, inspection, marketing, distribution, promotion, training,
28

1 advertisement and sale of the Subject Guardrail so as to avoid exposing Plaintiffs to
2 unnecessary and unreasonable risks.

3 67. The Lindsay Defendants breached that duty in one or more of the following ways:

- 4 a. By negligently failing to use due care in the design, development, manufacture,
5 assembly, testing, inspection, marketing, promotion, training, distribution,
6 advertising, sale, or processing of the Subject Guardrail and its component parts,
7 in order to avoid the aforementioned risks to individuals;
- 8 b. By failing to adequately warn foreseeable purchasers, installers, and end
9 users of the unreasonable dangerous and defective condition(s) of the X-LITE end
10 terminal, despite the fact that they knew or should have known of the
11 unreasonably dangerous condition(s);
- 12 c. By failing to disclose known problems and defects;
- 13 d. By marketing the X-LITE as safe;
- 14 e. By failing to adequately provide proper and clear installation, repair,
15 maintenance, and/or instruction manuals, and failing to provide adequate
16 warnings;
- 17 f. By failing to comply with reasonable and necessary guidelines, including those of
18 the Department of Transportation, the Federal Highway Administration, and/or
19 the National Cooperative Highway Research Program (NCHRP);
- 20 g. By failing to design and/or manufacture the X-LITE end terminal according to the
21 specifications created by the Texas Transportation Institute and approved by the
22 Department of Transportation, the Federal Highway Administration, and/or the
23 NCHRP;
- 24 h. By failing to make timely corrections to the design of the subject guardrail to
25 correct the guardrail system;
- 26 i. By failing to adequately identify and mitigate the hazards associated with the
27 guardrail system in accordance with good engineering practices;
- 28

- j. By failing to adequately test the subject guardrail system, including the head and rail system, to ensure it provided foreseeable owners and passengers of the motoring public with reasonable safety in foreseeable impacts;
- k. By manipulating, misrepresenting, and/or concealing testing data pertaining to the subject guardrail system;
- l. By failing to disclose known problems and defects;
- m. By failing to meet or exceed internal corporate guidelines;
- n. By failing to recall the guardrail system or, alternatively, retrofitting the guardrail system to provide reasonable safety for the motoring public; and
- o. By failing to recall the X-LITE end terminal to enhance safety.

68. As a direct and proximate result of the Lindsay Defendants' negligence, Gonzalo Trinidad Martinez suffered fatal injuries and the Defendants are responsible for his death and damages as set forth below:

- a. Sergio Martinez Sr., the surviving parent of Gonzalo Trinidad Martinez, deceased, has suffered and will continue to suffer mental and physical suffering, loss of society and companionship, and all other damages and expenses allowed under California law;
- b. Nidia Martinez, the surviving parent of Gonzalo Trinidad Martinez, deceased, has suffered and will continue to suffer mental and physical suffering, loss of society and companionship, and all other damages and expenses allowed under California law; and
- c. The Estate of Gonzalo Trinidad Martinez has lost prospective net accumulations and has incurred medical and funeral expenses due to the decedent's injury and death.

69. As a direct and proximate result of Lindsay Defendants' negligence, Sergio Antonio Martinez, Jr. suffered injuries and the Defendants are responsible for his damages. Sergio Antonio Martinez, Jr. suffered debilitating physical pain and mental suffering; was required to be hospitalized, incurred medical, hospital and pharmaceutical expenses

1 therefrom; suffered pain and suffering (past and future), mental anguish (past and future),
2 emotional distress, anxiety, depression and disability, loss of past wages, loss of earning
3 capacity, medical bills, and lost quality of life, and all of these injuries are permanent and
4 continuing.

5 WHEREFORE, Plaintiffs, SERGIO MARTINEZ SR. and NIDIA MARTINEZ, as the
6 Co-Personal Representatives of the Estate of GONZALO TRINIDAD MARTINEZ, deceased,
7 for the benefit of the respective survivors and Estates, and SERGIO ANTONIO MARTINEZ JR.
8 demand judgment for compensatory damages and costs against VALMONT INDUSTRIES,
9 INC.; VALMONT HIGHWAY; ARMORFLEX INTERNATIONAL LIMITED; LINDSAY
10 CORPORATION; LINDSAY TRANSPORTATION SOLUTIONS SALES & SERVICE, LLC;
11 and BARRIER SYSTEMS (collectively "Lindsay Defendants").

12 **FIFTH CAUSE OF ACTION**

13 **DANGEROUS CONDITION ON PUBLIC PROPERTY-PURSUANT TO**

14 **GOV. CODE §835**

15 **(Against the State of California)**

16 70. Plaintiffs realleges and incorporates by reference herein each and every allegation
17 contained hereinabove as though fully set forth herein.

18 71. Government Code Section 835 provides the basis for liability of a public entity for
19 maintaining a dangerous condition of its property. The section provides as follows:

20 Except as provided by statute, a public entity is liable for injury
21 caused by a dangerous condition of its property if the plaintiff
22 establishes that the property was in a dangerous condition at the
23 time of the injury, that the injury was proximately caused by the
24 dangerous condition, that the dangerous condition created a
reasonably foreseeable risk of the kind of injury which was
incurred, and that either:

25 (a) A negligent or wrongful act or omission of an employee of the
26 public entity within the scope of his employment created the
dangerous condition; or

27 (b) The public entity had actual or constructive notice of the
28 dangerous condition under Section 835.2 a sufficient time prior to

1 the injury to have taken measures to protect against the dangerous
2 condition.

3 The State's guardrail and property in question was in a dangerous condition at the
4 time of the subject accident and at the time of Plaintiffs' injuries, and said injuries and
5 damages were proximately caused by the dangerous condition, and the dangerous
6 condition created a reasonably foreseeable risk of the kind of injuries which were
7 incurred by the Plaintiffs. Furthermore, the dangerous condition was either created by the
8 negligent or wrongful act or omission the State's employee within the scope of his or her
9 employment, or the State had actual or constructive notice of the dangerous condition a
10 sufficient time prior to the accident and injury to have taken measures to protect against
11 the dangerous condition.

12 Pursuant to Government Code Section 835, a public entity may be held liable for
13 failing to provide safeguards or failing to warn against a dangerous condition upon its
14 roadways. *Ducey v. Argo Sales Company* (1979) 25 Cal.3d 707, 717. This is true
15 irrespective of any so-called design immunity based upon the alleged reasonable approval
16 of the roadway's design. "By force of its very terms the design immunity of section
17 830.6 is limited to a design-caused accident. (Citation.) It does not immunize from
18 liability caused by negligence independent of design, even though the independent
19 negligence is only a concurring, proximate cause of the accident." *Cameron v. State of*
20 *California* (1972) 7 Cal.3d 318, 328. In order to prove that a dangerous condition exists
21 on a public street or highway, a Plaintiff is not required to prove that there have been
22 prior complaints or prior traffic accidents at the subject location. *Anderson v. City of*
23 *Thousand Oaks* (1976) 65 Cal.App.3d 82, 91.

24 72. Prior to the time of filing this Complaint, Plaintiffs' satisfied the requirement of the
25 presentation of a Government Claim pursuant to Government Code Section 910, by
26 presenting Government Claims to the Government entities named in this Complaint,
27 within six months of the February 17, 2018 accident. Plaintiffs' Government Claims
28 were rejected and/or not acted upon and Plaintiffs have satisfied all pre-litigation

Government Claim presentation requirements and other filing requirements. (See attached "**Exhibit A**")

73. At the time of the Collision, the State of California owned and/or controlled the Lindsay X-LITE Guardrail system in place on Interstate I-8, a public highway in San Diego County, California, where the Collision occurred.

74. At the time of the Collision, the Lindsay X-LITE Guardrail system that Plaintiffs hit was in a dangerous condition by the virtue of the fact that the Lindsay X-LITE Guardrail system caused greater injury than it was designed to prevent due to defects in its manufacturing, installation, design, and lack of warnings. Rather than minimizing or preventing serious injury and death to the Plaintiffs, the guardrail system instead caused serious injury and death that would not have otherwise occurred. In addition, the presence of any guardrail system at the site of the Collision constituted a dangerous condition of public property, as described above, because the buffering terminal end had been recalled by the FHWA. The presence of this guardrail end terminal created greater risks than the benefits at that location. Installation and maintenance of the guardrail starting point, buffering end terminal head, run-on end of the system rather than the run-off end constitutes a dangerous condition of public property for which the State of California is responsible. At the time of the accident, the State of California knew or should have known of the dangerous condition that existed at the time the accident occurred for enough time to have protected against it.

75. The wrongful conduct of the State of California or its employees acting within the scope of their employment created the dangerous condition. By failing to appropriately test, design, install, maintain, and/or place guardrail systems, the State of California or its employees exposed drivers, such as the Plaintiffs, to severe risks from the Lindsay X-LITE Guardrail system.

76. Furthermore, the State of California was on notice as to the dangerous condition of the Lindsay X-LITE Guardrails installed in the county of San Diego, California. The State of

1 California's failure to cure the dangerous condition of the guardrails left the public,
2 including Plaintiffs, completely unaware as to the danger.

3 77. As a direct and proximate result of the State of California negligence, Gonzalo Trinidad
4 Martinez suffered fatal injuries and the Defendants are responsible for his death and
5 damages as set forth below:

6 a. Sergio Martinez Sr., the surviving parent of Gonzalo Trinidad Martinez, deceased,
7 has suffered and will continue to suffer mental and physical suffering, loss of
8 society and companionship, and all other damages and expenses allowed under
9 California law;

10 b. Nidia Martinez, the surviving parent of Gonzalo Trinidad Martinez, deceased, has
11 suffered and will continue to suffer mental and physical suffering, loss of society
12 and companionship, and all other damages and expenses allowed under California
13 law; and

14 c. The Estate of Gonzalo Trinidad Martinez has lost prospective net accumulations
15 and has incurred medical and funeral expenses due to the decedent's injury and
16 death.

17 78. As a direct and proximate result of the State of California's negligence, Sergio Antonio
18 Martinez Jr. suffered injuries and the Defendants are responsible for his damages.
19 Plaintiff suffered debilitating physical pain and mental suffering; was required to be
20 hospitalized, incurred medical, hospital and pharmaceutical expenses therefrom; suffered
21 pain and suffering (past and future), mental anguish (past and future), emotional distress,
22 anxiety, depression and disability, loss of past wages, loss of earning capacity, medical
23 bills, and lost quality of life, and all of these injuries are permanent and continuing.

24 WHEREFORE, Plaintiffs, SERGIO MARTINEZ SR. and NIDIA MARTINEZ, as the Co-
25 Personal Representatives of the Estate of GONZALO TRINIDAD MARTINEZ, deceased, for
26 the benefit of the respective survivors and Estates, and SERGIO ANTONIO MARTINEZ JR.
27 demand judgment for compensatory damages and costs against Defendant State of California.

28 ///

SIXTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS-BYSTANDER

(Plaintiff Sergio Antonio Martinez, Jr. Against All Defendants)

79. Plaintiffs realleges and incorporates by reference herein each and every allegation contained hereinabove as though fully set forth herein.

80. At all times herein mentioned, Defendants, Valmont Industries Inc.; Valmont Highway; Armorflex International Limited; Lindsay Corporation, Lindsay Transportation Solutions Sales & Solutions, LLC, Coffman Specialties, Inc.; Ferreira Construction, Inc.; Barrier Systems; CALTRANS; and Does 1 through 100, and each of them, negligently, carelessly, and recklessly caused the death of Gonzalo Trinidad Martinez, as previously alleged.

81. Plaintiff, Sergio Antonio Martinez Jr., as a passenger in the vehicle at the time of the accident, witnessed the guardrail penetrate the front windshield of their vehicle and saw it pierce the neck and head of his brother, Gonzalo Trinidad Martinez. Sergio Antonio Martinez Jr., watched in horror, while his brother lay bloodied and unconscious after he was skewered by the guardrail. Sergio Antonio Martinez Jr. waited traumatized and in horror near his brother's body and attempted to check his pulse and breathing while he waited for emergency help to attempt to evacuate his brother's body out of the vehicle.

82. As a result of witnessing this accident and his brother's ultimate demise, Sergio Antonio Martinez Jr., has suffered serious emotional distress, including anguish, horror, fright, nervousness, anxiety, grief, worry and shock. These injuries were foreseeable to all Defendants.

83. As a direct and proximate result of said tortious acts, omissions, or conduct of Defendants, and each of them, Plaintiff, Sergio Antonio Martinez Jr. has sustained and incurred, and is certain in the future to sustain and incur losses (both incidental and consequential), injuries and damages (both general and special) including, without limitation, those for: Serious Emotional Distress, including anguish, fright, horror, nervousness, grief, anxiety, worry and shock beyond that which would be anticipated in a

1 disinterested witness pursuant to *Thing v. La Chusa* (1989) 48 Cal.3d 644; *Dillon v. Legg*,
2 (1968) 68 Cal.2d 728.

3 WHEREFORE, Plaintiff, SERGIO ANTONIO MARTINEZ JR. demands judgment for
4 compensatory damages and costs against all named Defendants in this cause of action.

5 **DAMAGES**

6 WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them, for
7 each cause of action pled against them, respectively, as follows:

- 8 1. For past and future general damages for personal injuries, physical restrictions,
9 pain, suffering, anguish, emotional disturbance, psychological disturbance, shock injuries to
10 nervous system and emotional distress in an amount to be proven at trial;
- 11 2. For past and future damages for medical and related expenses according to proof;
- 12 3. For past and future damages for loss of income, earning capacity and related
13 expenses according to proof;
- 14 4. For all property damage, loss of use, according to proof;
- 15 5. For past and future other and further general and special damages in a sum
16 according to proof at the time of trial;
- 17 6. For interest according to law;
- 18 7. For costs of suit incurred herein; and,
- 19 8. For such other and further relief as this Court deems just and proper.

20 DATED: August 15, 2019

LAW OFFICE OF DANIEL S. ROSE, P.C.

21 By: 

22 Daniel S. Rose
23 Attorney for Plaintiffs
24 GONZALO TRINIDAD MARTINEZ
25 SERGIO MARTINEZ JR.
26 SERGIO MARTINEZ SR.
27 NIDIA MARTINEZ
28

1 DATED: August 15 , 2019

GLENN JOHNSON, ATTORNEY AT LAW

2
3 By: Glenn Johnson
4 Glenn Johnson
5 Attorney for Plaintiffs
6 SERGIO MARTINEZ JR.
7 SERGIO MARTINEZ SR.
8 NIDIA MARTINEZ

9
10 **DEMAND FOR JURY TRIAL**

11 Plaintiffs hereby demands a trial by jury in the above-entitled action.

12 DATED: August ¹⁵, 2019

LAW OFFICE OF DANIEL S. ROSE, P.C.

13 By: Daniel S. Rose
14 Daniel S. Rose
15 Attorney for Plaintiffs
16 GONZALO TRINIDAD MARTINEZ
17 SERGIO MARTINEZ Jr.
18 SERGIO MARTINEZ Sr.
19 NIDIA MARTINEZ

20 DATED: August 15, 2019

GLENN JOHNSON, ATTORNEY AT LAW

21 By: Glenn Johnson
22 Glenn Johnson
23 Attorney for Plaintiffs
24 SERGIO MARTINEZ Jr.
25 SERGIO MARTINEZ Sr.
26 NIDIA MARTINEZ

EXHIBIT A

CERTIFIED MAIL

VOID

PS Form 3800 6/02

A

Certified Mail
WITHOUT Physical Return
Receipt Service

(No Return Receipt Card)

Instructions

1. Apply this label to the TOP EDGE of the mailpiece.
2. Apply address label below to the CENTER of the mailpiece.

3. Peel the Certified Mail label below and fold it over your envelope, just above the postage so that it covers the existing Certified Mail marking.

Delivery Address
when used with **A**
or Return Address
when used with **B**

stamps.com

Top of the page



9490 9118 9956 1802 9088 11

LAW OFFICE OF DANIEL S. ROSE PC
316 S MELROSE DR STE 107
VISTA CA 92081

CERTIFIED MAIL

← Fold and Tear →

OUTBOUND TRACKING NUMBER
9414 7118 9956 1802 9082 75

FEES

Postage per piece \$1.600
Certified Fee \$3.500
Return Receipt Fee \$2.800
Total Postage & Fees: \$7.900

ARTICLE ADDRESS TO:

California Department of Transportation
Public Records Act Request
MS49
1120 N Street
Sacramento CA 95814-5680

Postmark
Here

SENDER: COMPLETE THIS SECTION

- Ensure items 1, 2, and 3 are completed.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

California Department of Transportation
Public Records Act Request
MS49
1120 N Street
Sacramento CA 95814-5680



9490 9118 9956 1802 9088 11

2. Article Number (Transfer from service label)
9414 7118 9956 1802 9082 75

COMPLETE THIS SECTION ON DELIVERY

A. Signature: (☐ Addressee or ☐ Agent)

X

B. Received By: (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☒ Certified Mail®

CERTIFIED MAIL

\$7.900
US POSTAGE
FIRST-CLASS
FROM 92081
05/03/2019
stamps.com

062S0005810116



9414 7118 9956 1802 9082 75

California Department of Transportation
Public Records Act Request
MS49
1120 N Street
Sacramento CA 95814-5680

B

Certified Mail
WITH Physical Return
Receipt Service

(Uses Return Receipt Card)

- Instructions**
1. Apply address label above to the back of this card.
 2. Apply this card to the TOP EDGE of the mailpiece.
 3. Peel the Certified Mail label above and fold it over your envelope, just above the postage so that it covers the existing Certified Mail marking.

Certified Mail Labels (SDC-3930)
Covered by and/or for use with U.S. Patents 6,244,753; 6,668,406; 7,216,110; 7,236,956; 7,236,970; 7,990,005; 7,567,940; 7,613,639; 7,743,043; 7,882,098; 8,027,226; 8,027,227; 8,027,228; 8,027,229; 8,027,230; 8,027,231; 8,027,232; 8,027,233; 8,027,234; 8,027,235; 8,027,236; 8,027,237; 8,027,238; 8,027,239; 8,027,240; 8,027,241; 8,027,242; 8,027,243; 8,027,244; 8,027,245; 8,027,246; 8,027,247; 8,027,248; 8,027,249; 8,027,250; 8,027,251; 8,027,252; 8,027,253; 8,027,254; 8,027,255; 8,027,256; 8,027,257; 8,027,258; 8,027,259; 8,027,260; 8,027,261; 8,027,262; 8,027,263; 8,027,264; 8,027,265; 8,027,266; 8,027,267; 8,027,268; 8,027,269; 8,027,270; 8,027,271; 8,027,272; 8,027,273; 8,027,274; 8,027,275; 8,027,276; 8,027,277; 8,027,278; 8,027,279; 8,027,280; 8,027,281; 8,027,282; 8,027,283; 8,027,284; 8,027,285; 8,027,286; 8,027,287; 8,027,288; 8,027,289; 8,027,290; 8,027,291; 8,027,292; 8,027,293; 8,027,294; 8,027,295; 8,027,296; 8,027,297; 8,027,298; 8,027,299; 8,027,300; 8,027,301; 8,027,302; 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LAW OFFICE OF JACQUES J. KIRCH
316 SOUTH MELROSE DRIVE, SUITE 200
VISTA, CA 92081
TELEPHONE (619) 525-1630
FACSIMILE (619) 525-1633

August 7, 2018

Certified Mail-Return Receipt Requested

Personal Delivery

Government Claims Program
Office of Risk and Insurance Management
Department of General Services
P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052

Office of Risk and Insurance Management
707 3rd Street, 1st Floor ORIM
West Sacramento, CA 95605

**Re: Government Claim(s): Pursuant to California Government Code Section(s) 905;
905.2; 910; 815.2; 820; 820.2; 830; *et seq.*, for Dangerous Condition(s) of Improved
Public Property, Negligence and Mandatory Duty and for Breach of All Other
Provisions of the Government Code.**

Dear Sir or Madam:

Through their attorneys, Claimants hereby make the following claims against the State of California.

The following information is hereby respectfully submitted on behalf of Claimants pursuant to the requirements of California Government Code Section 905, *et seq.*:

These claims are submitted on behalf of the following Claimants:

- (1) Gonzalo Trinidad Martinez,
- (2) Sergio Antonio Martinez Jr.,
- (3) Sergio Martinez Sr., and
- (4) Nidia Martinez.

We are informed and believe the vehicle and guardrail involved has been inspected by the California Department of Transportation and the California Department of Transportation has preserved all that it would like to preserve.

The California Department of Transportation, Government Claims Program Office of Risk and Insurance Management Department of General Services, and California Victim Compensation and Government Claims Board Government Claims Program are hereafter collectively referred to as "Respondents".

**Re: Government Claim(s); Pursuant to California Government Code Section(s) 905;
905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved
Public Property, Negligence and Mandatory Duty and for Breach of All Other
Provisions of the Government Code**

August 7, 2018

ATTORNEY ADDRESS FOR NOTICES TO BE SENT AND TELEPHONE

Sergio Martinez Sr. and Nidia Martinez, the parents of Gonzalo Martinez, deceased, on his behalf, Sergio Antonio Martinez Jr., Sergio Martinez Sr. and Nidia Martinez have retained the Law Office of Jacques J. Kirch to represent their rights and interests related to the February 17, 2018, accident on Interstate 8.

Jacques J. Kirch, Esq
LAW OFFICE OF JACQUES J. KIRCH
316 South Melrose Drive, Suite 200
Vista, CA 92081
Telephone (619) 525-1630
Fax (619) 525-1633
Email jkirch@kirchlawn.com

CLAIMANT #1 INFORMATION AND TELEPHONE

Sergio Martinez Sr. and Nidia Martinez
On behalf of Gonzalo Trinidad Martinez
1300 West Menlo Ave., Space 155
Hemet, CA 92543
Telephone: (951) 377-6307
Email: sergio_0968@yahoo.com

Gonzalo Trinidad Martinez, deceased
3601 Park Avenue
Hemet, CA 92544
California Driver's License Number: F5724861
Date of Birth: 08/03/1995
Social Security Number: 608-84-7088

CLAIMANT #2 INFORMATION AND TELEPHONE

Sergio Antonio Martinez, Jr.
8047 Hummingbird Lane, Apt. C
San Diego, CA 92123
Telephone: (951) 442-1256
Email: s.martinez.antonio@gmail.com
California Driver's License Number: B6316454
Date of Birth: 06/06/1992
Social Security Number: 618-58-8180

CLAIMANT #3 INFORMATION AND TELEPHONE

Sergio Martinez, Sr.
1300 West Menlo Ave., Space 155

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

August 7, 2018

Hemet, CA 92543
Telephone: (951) 377-6307
Email: Sergio_0968@yahoo.com
California Driver's License Number: C6961443
Date of Birth: 09/24/1968
Social Security Number: 608-01-5341

CLAIMANT #4 INFORMATION AND TELEPHONE

Nidia Martinez
1300 West Menlo Ave., Space 155
Hemet, CA 92543
Telephone: (951) 377-6307
Email: asgmartinez@yahoo.com
California Driver's License Number: B6316454
Date of Birth: 08/02/1967;
Social Security Number: 614-94-0746

DATE OF INCIDENT

February 17, 2018

TIME OF INCIDENT

Informed and believe to be 4:48 p.m.

DAMAGED PROPERTY

2016 Jetta Volkswagen, License Number 7XJK805, Owner: Gonzalo Trinidad Martinez.

LOCATION OF INCIDENT

Believed to be Interstate 8, eastbound, 244 feet west of Mica Gem Mine Road, in an unincorporated area of San Diego known as Jacumba.

See the Police Collision Report attached as Exhibit 1 and California Highway Patrol MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM attached as Exhibit 2.

DESCRIPTION OF OCCURRENCE OR INCIDENT

The vehicle operated by Claimant #1 was traveling eastbound on Interstate 8 when a metal beam guardrail struck Claimant #1 and Claimant #2. The vehicle operated by Claimant #1 in which Claimant #2 was a passenger ran off the pavement because of defective road design, unsafe and dangerous condition of the road and shoulder, unsafe and dangerous and failed maintenance of the shoulder of the road. The condition of the road caused and contributed to causing Claimant #1 to lose control of the steering of the vehicle which caused the accident.

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

August 7, 2018

NATURE AND EXTENT OF DAMAGE AND INJURY

Re: Claimant #1 - Gonzalo Trinidad Martinez

Pronounced dead at the scene. Laceration and blunt force trauma to head. Laceration to upper left and right sides of chest. Both front and side airbags deployed during the collision. Fatal injuries caused by metal beam guardrail maintained by the State of California protruding through the windshield, cabin area and rear window approximately 20 feet.

Vehicle damaged.

Re: Claimant #2 - Sergio Antonio Martinez, Jr.

Personal injuries caused by metal beam guardrail maintained by the State of California protruding through the windshield, cabin area and rear window.

Claimant #2 is claiming severe mental and emotional trauma damages suffered as a result of observing the catastrophic and gruesome death to his brother, Gonzalo Trinidad Martinez.

CIRCUMSTANCES THAT LED TO THE DAMAGE OR INJURY:

Death of Gonzalo Trinidad Martinez which occurred as follows:

Date: February 17, 2018
Time: Informed and believe to be 4:48 p.m.
Location: Informed and believe to be Interstate 8, eastbound, approximately 244 feet west of Mica Gem Mine Road, in an unincorporated area of San Diego known as Jacumba.

Personal Injuries sustained by Sergio Antonio Martinez, Jr. as follows:

Date: February 17, 2018
Time: Informed and believe to be 4:48 p.m.
Location: Informed and believe to be Interstate 8, eastbound, approximately 244 feet west of Mica Gem Mine Road, in an unincorporated area of San Diego known as Jacumba.

STATE OF CALIFORNIA IS RESPONSIBLE FOR THE DAMAGE OR INJURY

The vehicle operated by Claimant #1 was traveling eastbound on Interstate 8 when a metal beam guardrail maintained by the State of California protruded through the windshield, cabin area and rear window of the vehicle striking Claimant #1 and Claimant #2. The vehicle operated by claimant #1 in which Claimant #2 was a passenger ran off the pavement because of defective road design, unsafe and dangerous condition of the road and shoulder, unsafe and dangerous and failed maintenance of the shoulder of the road. The condition of the road caused and contributed to causing Claimant #1 to lose control of the steering of the vehicle which caused the accident and metal beam guardrail to strike Claimant #1 and Claimant #2.

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

August 7, 2018

Claimants do not necessarily accept any conclusions/opinions/data set forth in the governmental reports attached hereto as being true and/or accurate. These documents are provided for purposes of identifying the known parties, location of the accident, date thereof, etc.

Claimants, by their attorneys, are investigating the accident as well as a potential cover up of the case by Respondent's responding officers/investigators. Nevertheless, it is claimed to date that Claimant #1 lost his life and Claimant #2 sustained personal injuries due to the neglect and intentional wrongdoing of the Respondents and each of them by and through their agents, servants, employees, joint venturers and co-conspirators, and each of them and that the Claimants herein sustained damages thereby.

Claimants are informed and believe and thereon allege that at all times relevant to this action, the Respondents and each of them set forth in the caption of this claim as well as those on the proof of service were, and still are, governmental entities that jointly and severally owned, managed, maintained, inspected, repaired, and constructed, the real property where the incident took place (hereinafter "accident scene") as alleged herein, including all areas, paved and unpaved, as well as all ledges, fencing, markings, striping, land, dirt, asphalt, concrete, fixtures and appurtenances thereat.

Claimants are informed and believe and thereon allege that said Respondents and their agents, servants, employees and contractors, negligently owned, managed, maintained, inspected, repaired, maintained, and constructed the accident scene, casting Respondents in liability pursuant to, inter alia, Government Code 815.2, and 815.4, et seq.

Claimants are further informed and believe and thereon further allege that the aforementioned accident scene was in a dangerous condition that created a substantial risk of serious personal injury or death, which damages were in fact sustained by Claimants, when the property was used in a manner that was reasonably foreseeable, casting Respondents in liability pursuant to Government Code 835.

Claimants are further informed and believe and thereon allege that the Respondents, through their agents, servants, employees and/or contractors, violated various statutes, laws, regulations and ordinances and otherwise failed to discharge mandatory duties pertaining to the construction, supervision, owning, maintenance, inspection, and repairing of the accident scene, casting the Respondents in liability, pursuant to Government Code 815.6.

Among other things, Claimants allege that Respondents and each of them, were jointly and severally charged with the ownership, operation, management, inspection, construction, maintenance and repair of the accident scene, and were also charged with the inspection of the accident scene, but that said Respondents breached their applicable duty of care, though, among other things:

Causing and allowing potholes to exist;

Causing and allowing sinkholes to exist;

Failing to properly design/construct a guardrail;

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

August 7, 2018

Failing to widen the roadway/constructing a roadway that is too narrow;

Failing to construct a turnabout/turnaround;

Failing to erect barriers;

Failing to post warning signs to alert motorists to the narrow roadway, guardrails and other precautions;

Failing to establish visual cues for the motorists in the area; abandoning their responsibilities to inspect, maintain and repair the roadway;

Failing to preserve evidence;

Causing and allowing loose gravel and rock at the accident scene;

Failing to make changes necessitated by prior accidents and changed physical conditions;

And that Respondents were otherwise negligent, careless, reckless and in breach of their duties the full extent of which awaits further discovery and investigation.

Without limiting the generality nor specificity to the foregoing, it is alleged that a dangerous and hazardous condition existed at the above referenced time and at the above referenced location. The dangerous condition consisted of a sink hole on the side of the road, guard rail barrier without warning signs or visual cues present, and loose gravel in the immediate surrounding area.

As a result of the dangerous condition of the road located at Interstate 8, eastbound, approximately 244 feet west of Mica Gem Mine Road, in an unincorporated area of San Diego County known as Jacumba, the driver of the vehicle was killed, and his brother, Sergio Antonio Martinez Jr., sustained substantial personal injury.

Sufficient time passed from the moment the dangerous condition was created such that Respondents knew or should have known a dangerous condition was created and such that it had sufficient time to have remedied or warned against the dangerous condition.

The injury accident scenario described above was foreseeable to Respondents and, yet, they failed to warn drivers. It is believed that notice was actually provided to Respondents through prior accidents under similar circumstances such that Respondents had sufficient time to take action to remedy the dangerous condition.

Respondents and/or its management, administrative, designers, planners, engineers, maintenance personnel, inspectors and/or other employees, staff, agents or contractors, acting within the course and scope of their duties and/or employment negligently, unreasonably and improperly owned, operated, designed, planned, engineered, maintained, inspected, repaired, failed to repair, and controlled the roadway, thereby creating dangerous conditions and exposing drivers to dangerous conditions. These governmental entities undertook to control the subject area, invited reliance on the subject area and are liable as it created a dangerous condition in doing so.

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

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The dangerous condition created a reasonably foreseeable risk of the kind of injuries/damages which were incurred, and (a) were created by a negligent or wrongful act or omission of an employee of Respondents and/or (b) Respondents had actual or constructive notice of the dangerous conditions for a sufficient time prior to the injury to have taken measures to protect against the dangerous conditions.

These dangerous conditions and these acts and omissions of the Respondents (and its management, administrative, designers, planners, engineers, maintenance personnel, inspectors and/or other employees, staff, agents or contractors, acting within the course and scope of their duties) proximately caused the Claimants' injuries/damages.

Further, these dangerous conditions were directly attributable wholly or in substantial part to a negligent or wrongful act of these employees of the Respondents and these employees had the authority and the funds and other means immediately available to take alternative action which would not have created the dangerous condition; and/or these employees had the authority and it was his/her/their responsibility to take adequate measures to protect against the dangerous condition at the expense of the public entity and the funds and other means for doing so were immediately available to him/her/them, and he/she/they had actual or constructive notice of the dangerous condition a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

Further, signs, warnings or other devices were necessary to warn of these dangerous conditions which endangered the safe movement of traffic and which would not be reasonably apparent to, and would not have been anticipated by, a person exercising due care.

Further, Respondents and its employees acting within the scope of their employment undertook, gratuitously or for consideration, to avoid, remedy and/or abate these dangerous conditions. These undertakings and promises were the kind that they recognized as necessary for the protection of third persons. These entities and their employees acting within the scope of their employment failed to exercise reasonable care in the performance of these undertakings and promises, the failure to exercise reasonable care resulted in physical harm to the third persons, and either (a) their carelessness increased the risk of such harm, or (b) the undertaking or promises were to perform a duty that the other owed to the third persons, or (c) the harm was suffered because either the other or the third persons relied on the undertaking.

Due to these acts and failures to act, and dangerous conditions, the Respondents and its employees are liable for Claimants' injuries under the Government Code, including, but not limited to, 815.2, 820, 830.8, 835 and 840.2.

Claimants are further informed and believe and thereon allege that the Respondents had actual and constructive notice of the aforementioned dangerous conditions within a sufficient time prior to the incident to have taken measures to protect against the dangerous condition, but that said Respondents failed to do so.

Claimants are further informed and believe and thereon allege that any arguable immunities do not apply factually or legally, or, alternatively, that if any do apply that they have been lost by the applicable governmental entities.

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

August 7, 2018

Claimants are further informed and believe and thereon allege that Respondents failed to reasonably perform remedial work, to the extent necessary and failed to warn of the dangerous conditions set forth above.

The aforementioned negligence of public employees, dangerous condition of public property, failure to discharge mandatory duties, and failure to warn were, jointly and severally, substantial factors in causing Claimants' harm.

In contrast, at said time and place, decedent, Sergio Antonio Martinez Jr., and his brother, Gonzalo Trinidad Martinez, were acting with due caution, attention and care and did not contribute to, or cause the collision and/or injuries as described hereinafter.

Decedent's death and his brother's injuries were a proximate result of the wrongful acts and omissions of the Respondents and each of them. Tragically, Decedent's death and his brother's injuries, left various relatives, including, the Claimants herein, all of whom have been caused great losses. As a result of decedent's death, Claimants have been caused to lose, among other things, the love, affection, support, comfort, society, financial support and more of the decedent upon whom they were dependent and incurred bills and out of pocket damages and losses, to their great detriment.

By reason of the foregoing, Claimants have been damaged in sums which exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, which amounts will be shown according to proof at time of trial.

Claimants also may have, and thus present, causes of action for spoliation of evidence in violation of law and contract notwithstanding the Superior Court ruling in Cedars Sinai v. Sup. Ct. Claimants also have causes of action involving the negligent and/or intentional cover-up of the accident by investigating personnel (police, sanitation supervisors, etc.) who are employees or agents of the Respondents and each of them. It is believed these individuals ignored the testimony of eyewitnesses and/or improperly discounted them to protect respondents.

GENERAL DESCRIPTION OF CLAIMS KNOWN AT TIME CLAIM PRESENTED

The Claims are for wrongful death and personal injury as well as a survival action.

The Claimants and their relationships are as follows:

Gonzalo Trinidad Martinez, decedent, brother of Sergio Antonio Martinez Jr. and son of Sergio Martinez Sr. and Nidia Martinez;

Sergio Antonio Martinez Jr., injured party, brother of decedent Gonzalo Trinidad Martinez and son of Sergio Martinez Sr. and Nidia Martinez;

Sergio Martinez Sr., father of decedent Gonzalo Trinidad Martinez and injured party Sergio Antonio Martinez Jr.; and

Nidia Martinez, mother of decedent Gonzalo Trinidad Martinez and injured party Sergio Antonio Martinez, Jr.

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

August 7, 2018

Claimants claim all damages resulting from the Respondents actions/inactions which caused the death of Gonzalo Trinidad Martinez and injuries sustained by Sergio Antonio Martinez, Jr. as well as damages associated therewith.

Legal theories and/or causes of action which will be pursued, include, but are not necessarily limited to the following:

Wrongful Death - Negligence/Reckless Conduct;

Wrongful Death - Governmental Tort Liability, Including Sections 815.2, 815.4, 815, 820, 830.8, 835 et seq., and 840.2;

Personal Injury - Negligence/Reckless Conduct;

Personal Injury - Governmental Tort Liability, Including Sections 815.2, 815.4, 815, 820, 830.8, 835 et seq., and 840.2;

Survival Action;

Spoliation of Evidence.

The facts known to Claimants supporting the above causes of action are set forth herein and the documents attached. However, discovery continues.

The wrongful death, personal injury and survival action damages claimed are both compensatory and punitive in nature, and include both economic and non-economic damages for loss of love, affection, guidance, financial support, solace, consortium and more.

Claimants will also pursue survival action damages which include property damage to the decedent and his brother's clothing and potentially pain, suffering and disfigurement as to both Gonzalo Trinidad Martinez pre-death and Sergio Antonio Martinez, Jr., all of which together with Respondents' malice and recklessness and oppression will further support punitive damages against the Respondents and each of them, and most certainly as against the public employees involved, who Claimants reserve the right to individually name in the impending lawsuit.

Moreover it is alleged and will be thereon claimed that the cover up of the accident investigation was designed to and did in fact cause severe emotional distress and attorney's fees to Claimants and continues to do so. The cover up was extreme and outrageous and caused severe emotional distress to Claimants.

THE NAMES OF PUBLIC EMPLOYEES ALLEGEDLY CAUSING THE INJURY

The identities of all persons involved on behalf of the Respondents are not known at this time. However, according to the Police Collision Report, numerous police, medical, paramedic and firefighter personnel are involved whose names are set forth in the Police Collision Report and California Highway Patrol MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM, attached hereto. It is alleged that supervisors and the investigating officers involved in the cover up are identified in the attached reports.

Re: Government Claim(s): Pursuant to California Government Code Section(s) 905; 905.2; 910; 815.2; 820; 820.2; 830; et seq., for Dangerous Condition(s) of Improved Public Property, Negligence and Mandatory Duty and for Breach of All Other Provisions of the Government Code

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THE AMOUNT OF DAMAGES CLAIMED EXCEEDS \$10,000

The amount of damages claimed, if it totals less than \$10,000, as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, in so far as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, no dollar amount shall be included in the claim; however it shall indicate whether the claim would be a limited civil case:

The claim involves substantial claims and damages by all Claimants well in excess of \$10,000 each. The amount claimed for each Claimant for compensatory damages includes damages for loss of love, affection, moral support, financial support, gifts, guidance, pain, suffering, disfigurement, emotional distress, property damage, (attorney's fees and costs to the extent allowed by law), the breakdown of which Claimants will leave to the trier of fact, as well as punitive damages claimed to the extent permitted against a public employee. No part of the action will be a limited civil case.

Please advise if you need any additional information and preserve and do not destroy any evidence associated with this claim, including but not limited to, any and all handwritten and digitally or electronically recorded guardrail crash studies, brochures, purchase and sale materials, invoices, bids and correspondence from the manufacturer of the guardrail involved in the Incident and the design, construction plans and As-Built drawings of the installation of said guardrails, any recorded witness statements, photographs, videos or other digital or electronic recordings of the area location of the Incident and all parts and pieces of the damaged guardrail where the incident occurred, including but not limited to any structural supports, footings, signage, warning or caution signs, reflectors, infrastructure, or any other materials associated with the subject guardrails, in anticipation of litigation of this claim.

LAW OFFICE OF JACQUES J. KIRCH

JACQUES J. KIRCH

Attorney for Claimants

GONZALO TRINIDAD MARTINEZ, an individual;
SERGIO ANTONIO MARTINEZ Jr., an individual;
SERGIO MARTINEZ Sr., an individual; and
NIDIA MARTINEZ, an individual;

EXHIBIT 1

CALIFORNIA
 STATE OF CALIFORNIA HIGHWAY PATROL
IC COLLISION REPORT
 SE 1 (REV. 04-11) OPI 080

PAGE 1 OF 20

REPORTING OFFICER'S NAME J. I.		REPORTING OFFICER'S RANK I	CITY UNINCORPORATED	JUDICIAL DISTRICT EAST COUNTY DIV.	LOCAL REPORT NUMBER 9680-2018-00736						
COUNTY SAN DIEGO		REPORTING DISTRICT 086	BEAT 086	DAY OF WEEK SATURDAY	TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
COLLISION OCCURRED ON: INTERSTATE 8 EASTBOUND		MO 02	DAY 17	YEAR 2018	TIME (2400) 1648						
MILEPOST INFORMATION: AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR: 244 FEET WEST OF MICA GEM MINE ROAD		GPS COORDINATES: LATITUDE 32.635672°		LONGITUDE -116.127925°							
PHOTOGRAPHS BY: ROBERTSON #21859 VIDANA #20105											
LOCATION	PARTY 1	DRIVER'S LICENSE NUMBER K5724861	STATE CA	CLASS C	AIR BAG L	SAFETY EQUIP. H	VEH. YEAR 2016	MAKE / MODEL / COLOR VOLK JETTA BLK	LICENSE NUMBER 7XJK805	STATE CA	
	OWNER	NAME (FIRST, MIDDLE, LAST) GONZALO TRINIDAD MARTINEZ					OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER				
	STREET ADDRESS	4090 BORDEAUX LANE					OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER				
	CITY / STATE / ZIP	HEMET CA 92544					DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	DAY	YEAR	RACE	COUNTRYWIDE TOWING - E. EL CAJON - (619) 579-7002	
	M	BLK	BRN	5-11	185	08/03/1995			H	PRIOR MECH. DEFECTS <input checked="" type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE	
	HOME PHONE	UNKNOWN					BUSINESS PHONE UNKNOWN				
	INSURANCE CARRIER	NONE					VEHICLE IDENTIFICATION NUMBER: 3VW267A13GM237769				
	POLICY NUMBER						VEHICLE TYPE 01				
	DIR OF TRAVEL ON STREET OR HIGHWAY	E INTERSTATE 8					SPEED LIMIT 70				
PARTY 2		DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE	
OWNER		NAME (FIRST, MIDDLE, LAST)					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER				
STREET ADDRESS							OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER				
CITY / STATE / ZIP							DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
SEX		HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	DAY	YEAR	RACE	PRIOR MECHANICAL DEFECTS <input type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE	
HOME PHONE		BUSINESS PHONE					VEHICLE IDENTIFICATION NUMBER:				
INSURANCE CARRIER		POLICY NUMBER					VEHICLE TYPE				
DIR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT					SHADE IN DAMAGED AREA				
PARTY 3		DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE	
OWNER		NAME (FIRST, MIDDLE, LAST)					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER				
STREET ADDRESS							OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER				
CITY / STATE / ZIP							DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
SEX		HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	DAY	YEAR	RACE	PRIOR MECHANICAL DEFECTS <input type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE	
HOME PHONE		BUSINESS PHONE					VEHICLE IDENTIFICATION NUMBER:				
INSURANCE CARRIER		POLICY NUMBER					VEHICLE TYPE				
DIR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT					SHADE IN DAMAGED AREA				
PREPARED BY BRAD ROBERTSON 021859		DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		REVIEWER'S NAME DAN MATTHEWS 015008				DATE REVIEWED 04/30/2018			

AN INTERNATIONALLY ACCREDITED AGENCY

(over)

DATE OF COLLISION (MO. DAY YEAR) 02/17/2018	TIME(2400) 1648	HCIC # 9680	OFFICER ID, 021859	NUMBER 9680-2018-00736
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PROPERTY DAMAGE	OWNER'S NAME DESCRIPTION OF DAMAGE	OWNER ADDRESS	NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO
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SEATING POSITION 1 - DRIVER 2 TO 5 - PASSENGERS 6 - STATION WAGON REAR 7 - REAR, OCC TRK. OR VAN 8 - POSITION UNKNOWN 9 - OTHER	SAFETY EQUIPMENT OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED I - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE M/C BICYCLE HELMET DRIVER PASSENGER V - NO X - NO W - YES Y - YES	AIR BAG B - UNKNOWN L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	INATTENTION CODES A - CELL PHONE HANDHELD B - CELL PHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER
--	--	---	---

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR		TRAFFIC CONTROL DEVICES			SPECIAL INFORMATION			MOVEMENT PRECEDING COLLISION		
LIST NUMBER (B) OF PARTY AT FAULT										
1 2 3		1 2 3			1 2 3			1 2 3		
A 22107		A CONTROLS FUNCTIONING			A HAZARDOUS MATERIAL			A STOPPED		
B OTHER IMPROPER DRIVING*		B CONTROLS NOT FUNCTIONING*			B CELL PHONE HANDHELD IN USE			B PROCEEDING STRAIGHT		
C OTHER THAN DRIVER*		C CONTROLS OBSCURED			C CELL PHONE HANDSFREE IN USE			C RAN OFF ROAD		
D UNKNOWN*		D NO CONTROLS PRESENT / FACTOR*			D CELL PHONE NOT IN USE			D MAKING RIGHT TURN		
		TYPE OF COLLISION			E SCHOOL BUS RELATED			E MAKING LEFT TURN		
		A HEAD - ON			F 75 FT MOTOR TRUCK COMBO			F MAKING U TURN		
		B SIDE SWIPE			G 32 FT TRAILER COMBO			G BACKING		
		C REAR END			H			H SLOWING / STOPPING		
WEATHER (MARK 1 TO 2 ITEMS)		D BROADSIDE			I			I PASSING OTHER VEHICLE*		
X A CLEAR		E HIT OBJECT			J			J CHANGING LANES		
B CLOUDY		F OVERTURNED			K			K PARKING MANEUVER		
C RAINING		G VEHICLE / PEDESTRIAN			L			L ENTERING TRAFFIC		
D SNOWING		H OTHER*			M			M OTHER UNSAFE TURNING*		
E FOG / VISIBILITY FT.					N			N XING INTO OPPOSING LANE		
F OTHER*		MOTOR VEHICLE INVOLVED WITH			O			O PARKED		
G WIND		A NON - COLLISION						P MERGING		
		B PEDESTRIAN						Q TRAVELING WRONG WAY		
LIGHTING		C OTHER MOTOR VEHICLE						R OTHER* UNSF TRN FWY		
X A DAYLIGHT		D MOTOR VEHICLE ON OTHER ROADWAY			OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)					
B DUSK - DAWN		E PARKED MOTOR VEHICLE			A VIO SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO					
C DARK - STREET LIGHTS		F TRAIN			B VEHICLE NOT DEPLOYED CITED <input type="checkbox"/> YES <input type="checkbox"/> NO					
D DARK - NO STREET LIGHTS		G BICYCLE			C VEHICLE NOT DEPLOYED CITED <input type="checkbox"/> YES <input type="checkbox"/> NO					
E DARK - STREET LIGHTS NOT FUNCTIONING*		H ANIMAL*								
ROADWAY SURFACE		I FIXED OBJECT: GUARDRAIL						SOBRIETY - DRUG / PHYSICAL (MARK 1 TO 2 ITEMS)		
X A DRY		J OTHER OBJECT*						A HAD NOT BEEN DRINKING		
B WET								B HBD - UNDER INFLUENCE		
C SNOWY - ICY								C HBD - NOT UNDER INFLUENCE*		
D SLIPPERY (MUDDY, OILY, ETC.)								D HBD - IMPAIRMENT UNKNOWN*		
ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)		PEDESTRIAN'S ACTIONS						E UNDER DRUG INFLUENCE*		
A HOLES, DEEP RUT*		X A NO PEDESTRIANS INVOLVED						F IMPAIRMENT - PHYSICAL*		
B LOOSE MATERIAL ON ROADWAY*		B CROSSING IN CROSSWALK - AT INTERSECTION						G IMPAIRMENT NOT KNOWN*		
C OBSTRUCTION ON ROADWAY*		C CROSSING IN CROSSWALK - NOT AT INTERSECTION						H NOT APPLICABLE		
D CONSTRUCTION - REPAIR ZONE		D CROSSING - NOT IN CROSSWALK						I SLEEPY / FATIGUED*		
E REDUCED ROADWAY WIDTH		E IN ROAD - INCLUDES SHOULDER								
F FLOODED*		F NOT IN ROAD								
G OTHER*		G APPROACHING / LEAVING SCHOOL BUS								
X H NO UNUSUAL CONDITIONS										

SKETCH FOR SKETCH DIAGRAM, SEE PAGE 4

INDICATE NORTH

MISCELLANEOUS

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
INJURED / WITNESSES / PASSENGERS**
CHP 565 CARS PAGE 3 (REV 11-16) OPI 060

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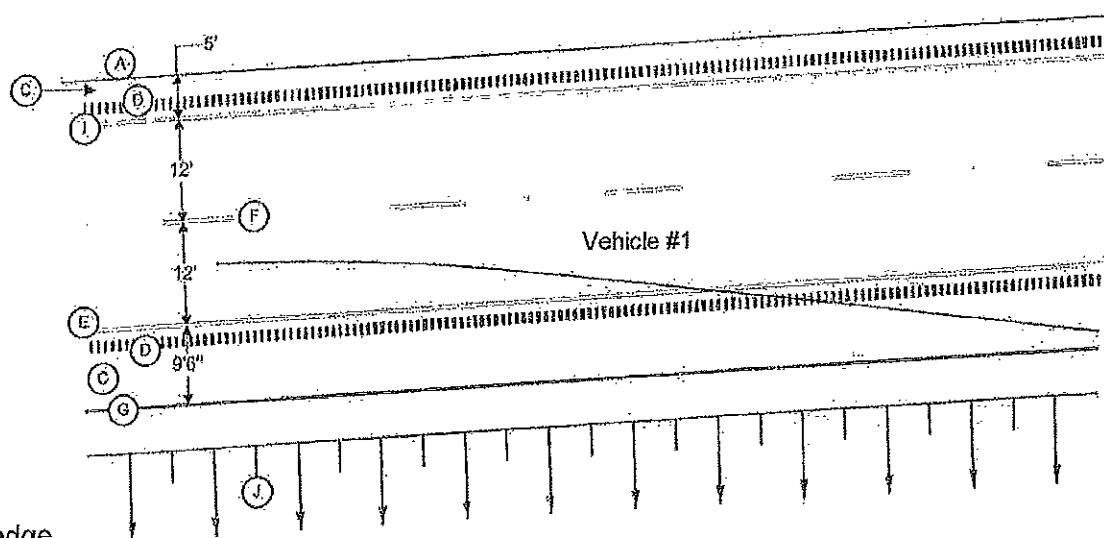
DATE OF COLLISION (MO. DAY YEAR) 02/17/2018				TIME (2400) 1648		HIC# 9680		OFFICER ID. 021859				NUMBER 9680-2018-00736					
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ('X' ONE)				INJURED WAS ('X' ONE)				PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED	
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST						OTHER
<input type="checkbox"/> #	<input type="checkbox"/>	22	M	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	L	H	0
NAME / D.O.B. / ADDRESS GONZALO TRINIDAD MARTINEZ (08/03/1995) 4098 BORDEAUX LANE HEMET CA 92544												TELEPHONE UNKNOWN					
(INJURED ONLY) TRANSPORTED BY: SAN DIEGO COUNTY MEDICAL EXAMINER						EMS RUN NUMBER				TAKEN TO: SAN DIEGO CO. MEDICAL EXAMINERS OFFICE							
DESCRIBE INJURIES: LACERATION AND BLUNT FORCE TRAUMA TO HEAD. LACERATION TO UPPER LEFT AND RIGHT SIDES OF CHEST. PRONOUNCED DECEASED BY FIREFIGHTER & PARAMEDIC JEREMY SALIZZONI, #P19192, AT 1710 HOURS. MEDICAL EXAMINERS CASE #2018-0457.																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/> #	<input type="checkbox"/>	25	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	3	L	G	0
NAME / D.O.B. / ADDRESS SERGIO ANTONIO MARTINEZ (06/06/1992) 3883 JEWELL STREET APARTMENT #A3 SAN DIEGO CA 92109												TELEPHONE (951)442-1256					
(INJURED ONLY) TRANSPORTED BY: MEDIC 47						EMS RUN NUMBER				TAKEN TO: SHARP MEMORIAL HOSPITAL, SAN DIEGO							
DESCRIBE INJURIES: LACERATION TO HEAD.																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> # 1	<input type="checkbox"/>	66	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS JOHN CURTIS (06/19/1951) 2030 SNAPDRAGON LANE ALPINE CA 91901												TELEPHONE (760)996-5986					
(INJURED ONLY) TRANSPORTED BY:						EMS RUN NUMBER				TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> # 2	<input type="checkbox"/>	65	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS NICOLA CURTIS (02/10/1953) 2030 SNAPDRAGON LANE ALPINE CA 91901												TELEPHONE (760)996-5986					
(INJURED ONLY) TRANSPORTED BY:						EMS RUN NUMBER				TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> # 3	<input type="checkbox"/>	32	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS CHRISTIAN GUTIEREZ (06/26/1985) 200C WEST ATEN ROAD IMPERIAL CA 92015												TELEPHONE (760)693-3284					
(INJURED ONLY) TRANSPORTED BY:						EMS RUN NUMBER				TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS												TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:						EMS RUN NUMBER				TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
PREPARER'S NAME BRAD ROBERTSON						ID. NUMBER 021859		MO. DAY YEAR 02/18/2018		REVIEWER'S NAME DAN MATTHEWS 015008				MO. DAY YEAR 04/30/2018			

AN INTERNATIONALLY ACCREDITED AGENCY

SKETCH DIAGRAM

VIS-IT-20-3PAGE

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

**LEGEND**

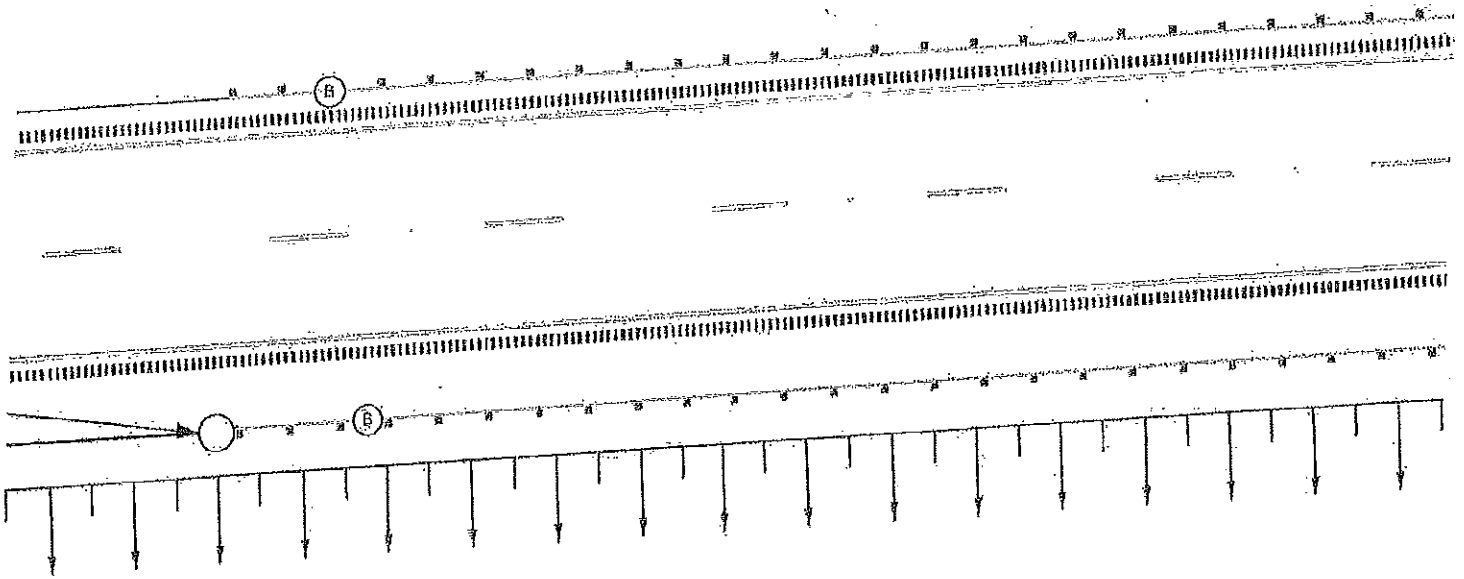
- A) Asphalt road edge
- B) Metal beam guardrail with metal post and block
- C) Asphalt concrete paved shoulder
- D) Rumple strip
- E) Painted solid white line
- F) Painted broken white lines with recessed retroreflective white pavement markers
- G) Mountable asphalt concrete dike edge
- H) Portland cement concrete and metal tube bridge rail
- I) Painted solid yellow line with recessed retroreflective yellow pavement markers
- J) Descending dirt embankment

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
K. VOSS	021828	02/17/2018	DAN MATTHEWS	04/30/2018



DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

Interstate 8 Eastbound



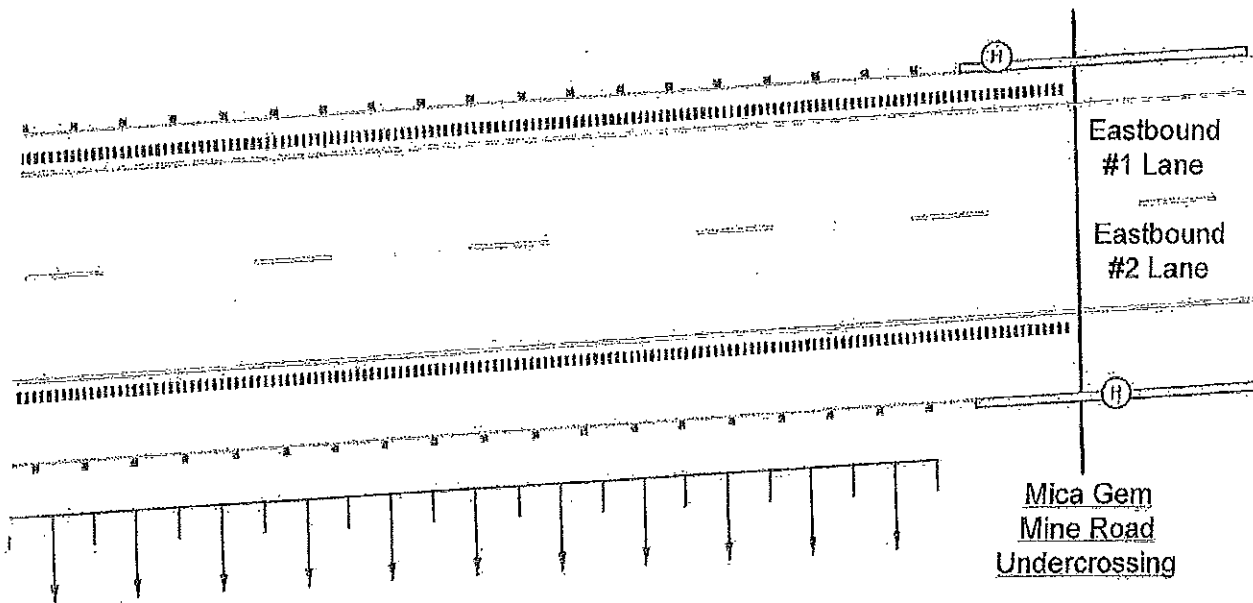
PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
K. VOSS	021828	02/17/2018	DAN MATTHEWS	04/30/2018

STATE OF CALIFORNIA
SKETCH DIAGRAM
 VIS-IT-20-3PAGE

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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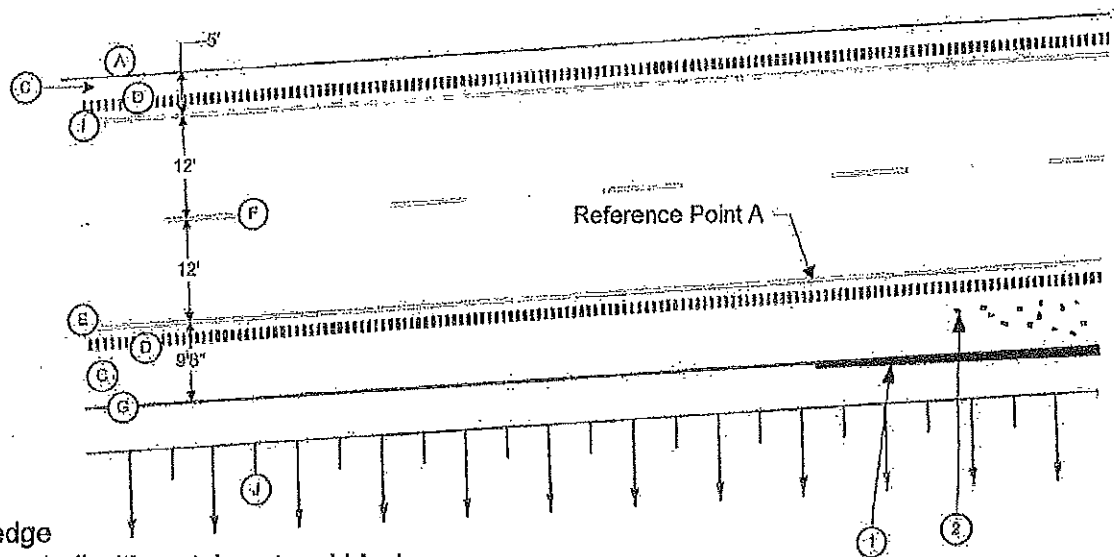


PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
K. VOSS	021828	02/17/2018	DAN MATTHEWS	04/30/2018

FACTUAL DIAGRAM

VLS-IT-20-3PAGE

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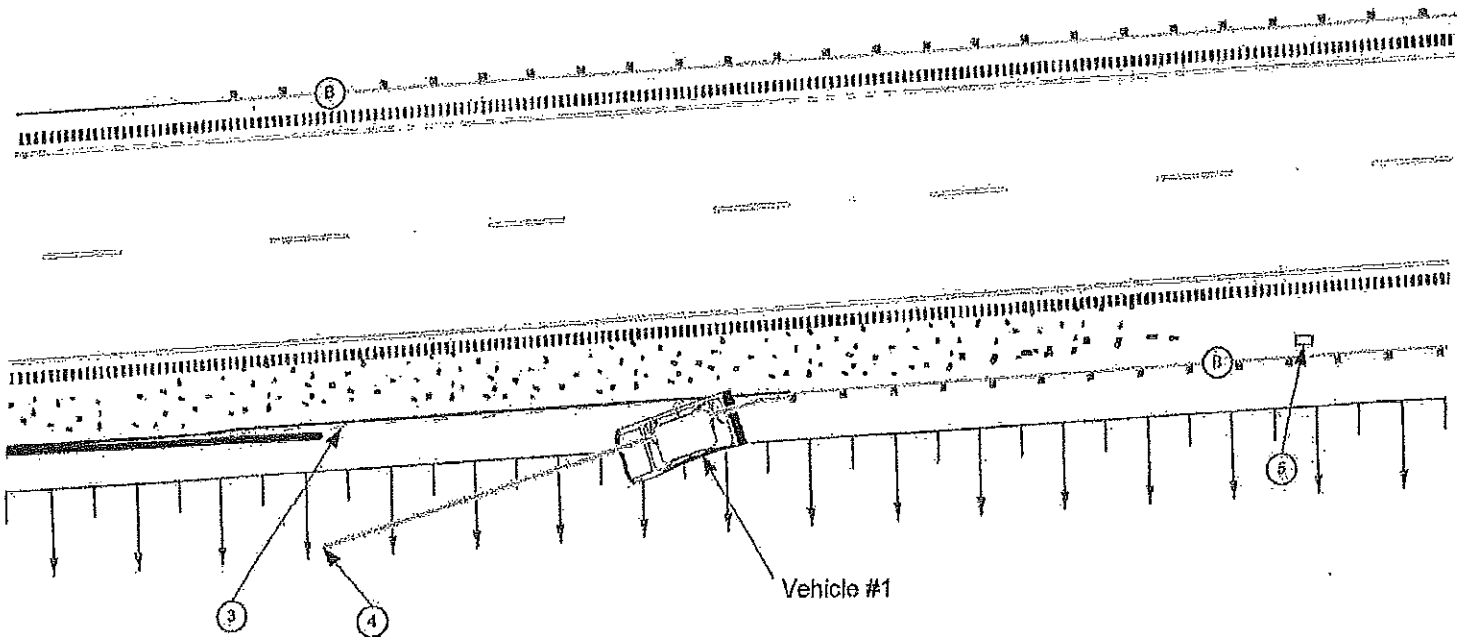
LEGEND

- A) Asphalt road edge
- B) Metal beam guardrail with metal post and block
- C) Asphalt concrete paved shoulder
- D) Rumble strip
- E) Painted solid white line
- F) Painted broken white lines with recessed retroreflective white pavement markers
- G) Mountable asphalt concrete dike edge
- H) Portland cement concrete and metal tube bridge rail
- I) Painted solid yellow line with recessed retroreflective yellow pavement markers
- J) Descending dirt embankment



DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

Interstate 8 Eastbound



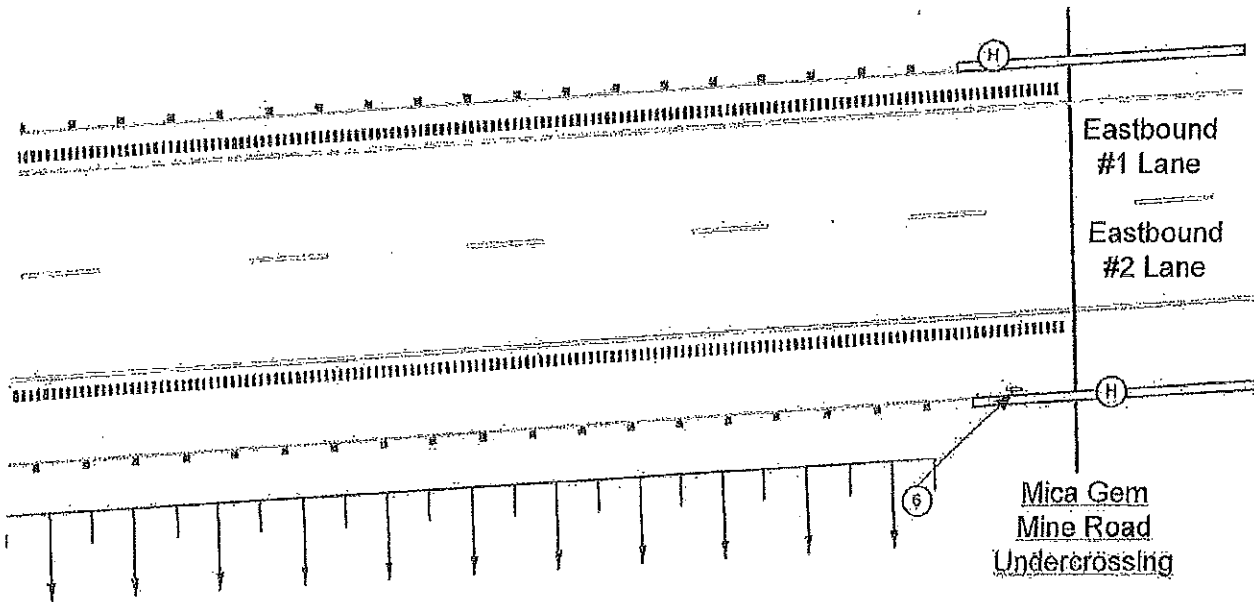
PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
K. VOSS	021828	02/17/2018	DAN MATTHEWS	04/30/2018

STATE OF CALIFORNIA
FACTUAL DIAGRAM
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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
K. VOSS	021828	02/17/2018	DAN MATTHEWS	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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PHYSICAL EVIDENCE LEGEND

1
2
3 A reference point was established to collect measurements for the physical evidence at the scene
4 of the collision. Reference Point A was located on the south roadway edge line, approximately 310
5 feet west of the west undercrossing edge of Mica Gem Mine Road. All north and south
6 measurements were taken at right angles along the south roadway edge line of Interstate 8
7 eastbound.

VEHICLE POINTS OF REST

V-#	WHL	FEET	DIR	REFERENCE	FEET	DIR	REFERENCE
1	L/F	10'	S	south roadway edge line of Interstate 8 eastbound	107'	E	Reference Point A
1	L/R	12'6"	S	south roadway edge line of Interstate 8 eastbound	99'	E	Reference Point A
1	R/F	13'	S	south roadway edge line of Interstate 8 eastbound	108'	E	Reference Point A

PHYSICAL EVIDENCE DESCRIPTION

ITEM	DESCRIPTION
1	Tire print (60' in length)
2	10 foot wide plastic and glass debris field (146' in length)
3	Ten damaged metal guardrail posts (58' in length)
4	Damaged metal beam guardrail (61' in length)
5	Front license plate and plastic license plate holder from Vehicle #1 (Volkswagen)
6	Left-front headlight from Vehicle #1 (Volkswagen)

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

PHYSICAL EVIDENCE LOCATIONS

	ITEM	FEET	DIR	REFERENCE	FEET	DIR	REFERENCE
Start	1	10'	S	south roadway edge line of Interstate 8 eastbound	At	-	Reference Point A
Continued	1	10'6"	S	south roadway edge line of Interstate 8 eastbound	30	E	Reference Point A
End	1	11'	S	south roadway edge line of Interstate 8 eastbound	60	E	Reference Point A
Start	2	5'	S	south roadway edge line of Interstate 8 eastbound	16	E	Reference Point A
Continued	2	5'	S	south roadway edge line of Interstate 8 eastbound	89	E	Reference Point A
End	2	5'	S	south roadway edge line of Interstate 8 eastbound	162	E	Reference Point A
Start	3	10'	S	south roadway edge line of Interstate 8 eastbound	50	E	Reference Point A
End	3	10'	S	south roadway edge line of Interstate 8 eastbound	108	E	Reference Point A
Start	4	24'	S	south roadway edge line of Interstate 8 eastbound	60	E	Reference Point A
Continued	4	10'6"	S	south roadway edge line of Interstate 8 eastbound	116	E	Reference Point A
End	4	10'	S	south roadway edge line of Interstate 8 eastbound	121	E	Reference Point A
Center	5	8'	S	south roadway edge line of Interstate 8 eastbound	177	E	Reference Point A
Center	6	9'	S	south roadway edge line of Interstate 8 eastbound	303	E	Reference Point A

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

1 **FACTS:**

2

3 **NOTIFICATION:**

4

5 On February 17, 2018, at approximately at 1655 hours, I received a call of a traffic collision with
6 medical personnel responding. I responded from Interstate 8 eastbound at Horse Thief Road and
7 arrived on scene at approximately 1714 hours. This was later determined to be a fatal-injury traffic
8 collision. All times, speeds and distances are approximate. All measurements were obtained using
9 a roll-meter and Global Position Satellites.

10

11 **SCENE DESCRIPTION:**

12

13 This collision occurred on Interstate 8 eastbound, approximately 244 feet west of Mica Gem Mine
14 Road in an unincorporated area of San Diego County known as Jacumba. Interstate 8 at this
15 location was a one-way, two lane, east-west designated, asphalt concrete paved roadway, which
16 inclined when traveling eastbound, and was maintained by the State of California. The eastbound
17 and westbound traffic lanes were separated by a dirt and vegetation median with over 85 feet
18 between the south road edge of Interstate 8 westbound and north road edge of Interstate 8
19 eastbound. Interstate 8 eastbound was bordered to the north by a painted solid yellow line with
20 recessed retroreflective yellow pavement markers, a 5-foot wide asphalt concrete paved shoulder
21 with an embedded rumble strip, and a dirt and vegetation median. Interstate 8 eastbound was
22 bordered to the south by a painted solid white line, an 8-foot wide asphalt concrete paved
23 shoulder with an embedded rumble strip, an improved asphalt curb edge, a dirt shoulder, and a
24 descending dirt and rock embankment. As the road is traveled eastbound, the north and south
25 asphalt concrete paved shoulders become bordered by metal beam guardrails. Interstate 8 at this
26 location was governed by a 70 miles per hour speed limit. The collision occurred during the
27 afternoon hours of daylight. The weather conditions were clear, calm, dry, and warm in
28 temperature. There were no visual obstructions noted or claimed. Refer to Factual Diagram for
29 additional details.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

1 PARTIES:

2

3 Party #1 (Martinez) was located at the scene of the collision within Vehicle #1 (Volkswagen).
4 Party #1 was identified by a United States Passport found within Party #1's wallet. Party #1 was
5 determined to be the driver of Vehicle #1 by the following: his location within the vehicle upon my
6 arrival, he was the registered owner of Vehicle #1, Party #1's passenger identified Party #1 as the
7 driver of Vehicle #1 during the time of the collision, and by the fatal injuries sustained as a result of
8 this collision. Party #1 was pronounced deceased at the scene of the collision by Firefighter and
9 Paramedic Jeremy Salizzoni, #19192, at 1710 hours.

10

11 Vehicle #1 (Volkswagen) was located at the scene, at its point of rest, on three of its wheels,
12 facing in a northeasterly direction, to the south of the south road edge of Interstate 8 eastbound.
13 Vehicle #1 came to rest with its rear wheels partially down the descending slope along the south
14 road edge and Vehicle #1's left-front tire approximately 18 inches above the ground. The metal
15 beam guardrail, which bordered the southern road edge of Interstate 8 eastbound at this location,
16 was found protruding through the windshield, cabin area, and extended through the rear window
17 of Vehicle #1 approximately 20 feet. Vehicle #1 sustained damage including, but not limited to: a
18 detached front bumper, severely creased and partially detached hood, intrusion damage to the
19 engine compartment, detached fenders, broken windshield, interior dashboard crushed, broken
20 rear window, dented and gouged trunk, detached driver's seat head rest, and severe
21 undercarriage damage. Upon a visual inspection, Vehicle #1's driver's side seatbelt was found
22 locked in the fully retracted position. Vehicle #1's driver's side and front passenger seatbelts did
23 not show any obvious signs of deficiency or damage. Both of Vehicle #1's front and side airbags
24 deployed during the collision. The driver's side front airbag sustained damage and was not
25 located. Only a portion of the airbag supporting tethers remained attached to the steering wheel
26 hub.

27

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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1 Party #1 Profile:

2

3 Passenger #1 (S. Martinez), brother of Party #1, provided the following information during a
4 telephonic interview I conducted on February 17, 2018, at approximately 2300 hours. On February
5 16, 2018, Party #1 had driven from his home in Hemet California to his brother's house in Pacific
6 Beach California to spend some time with his brother before heading to Mexicali for a surprise
7 birthday party for his aunt. Party #1 arrived in Pacific Beach in the afternoon of February 16, 2018.
8 Party #1 spent the late afternoon and evening with some friends enjoying drinks at the local
9 establishments in Pacific Beach. On February 17, 2018, at 12:00 AM, Party #1 returned to his,
10 brother's house to meet up with Passenger #1, who had just ended his graveyard shift of work.
11 The two brothers then went back out and shared a few more drinks at the local establishments in
12 Pacific Beach. At approximately 3:00 AM, both Party #1 and his brother returned to the home of
13 Passenger #1. Party #1 slept in until about 9:30 AM and then went out to breakfast. Party #1
14 returned to his brother's house where the two brothers hung out and prepared for their trip to
15 Mexicali. At approximately 3:30 PM, Party #1 and Passenger #1 left Pacific Beach and started
16 their drive to Mexicali. Party #1 and Passenger #1 were sober, in good spirits, and Party #1
17 appeared to be well rested as they began their drive.

18

19 PHYSICAL EVIDENCE:

20

21 133 digital photographs were taken at the scene by Officer Vidana, #20105, and I. The
22 photographs were transferred to a Digital Versatile Disc. 213 digital photographs were taken of
23 Vehicle #1 (Volkswagen) at Countywide Towing on February 20, 2018, by Officer T. Wirth,
24 #18166. The physical evidence at the scene consisted of damage to Vehicle #1, damage to the
25 guardrail, tire print in dirt, and vehicle debris.

26

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

1 OTHER FACTUAL INFORMATION:

2

3 Agencies Involved:

4

5 California Highway Patrol El Cajon Area:

6 1722 East Main Street

7 El Cajon, CA 92021

8 (619) 401-2000

9

10 Officer B. Robertson, #21859- Investigating Officer

11 Officer G. Vidana, #20105- On-Scene Supervisor and photographs

12 Officer K. Voss, #21828- Factual Diagram and vehicle storage

13 Officer T. Wirth, #18166- Post collision photographs of Vehicle #1 (Volkswagen)

14

15 California Highway Patrol Border Division MAIT

16 9330 Farnham Street

17 San Diego, CA 92123

18 (858) 650-3600

19

20 Officer B. Downing, #18136- Airbag control module imaging

21 Officer K. Chase, #13781- Airbag control module imaging

22 California Highway Patrol Border Division MAIT imaged the airbag control module of

23 Vehicle #1. Refer to Border MAIT report #BL-008-18 for further details.

24

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

1 CAL Fire San Diego County:

2

3 Engine 43-Jacumba Station

4 1255 Jacumba St.

5 Jacumba, CA 91934

6 (619) 766-4535

7

8 Battalion Chief Kurt Zingheim

9 Captain Eli Bakkala

10 Firefighter/Paramedic Jeremy Salizzoni

11

12 Mercy Medic 47 Zone 2 Rural

13 27350 Valley Center Road

14 Valley Center, CA 92082

15 (760) 751-4140

16

17 Paramedic- Countreman

18 Paramedic- La Chusa

19 Transported Passenger #1 (S. Martinez) from the scene of the collision.

20

21

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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1 San Diego County Medical Examiner's Office

2

3 5570 Overland Avenue #101

4 San Diego, CA 92123

5 (858) 694-2895

6

7 Medical Examiner; Investigator Sandro Nunez, #25

8

9 Medical Transport 92M' Michael Looney' transported Party #1(Martinez) from the scene of
10 the collision to the San Diego County Medical Examiner's office.

11

12 A review of California Highway Patrol CAD log #180217BC01010 was conducted for possible
13 witnesses to this collision and did yield one witness, Witness #3 (Christian Gutierrez), who
14 observed Party #1 prior to the collision.

15

16 STATEMENTS:

17

18 Party #1(Martinez): succumbed to his injuries at the scene of the collision and no statement was
19 obtained.

20

21 Passenger #1 (S. Martinez): was located at the scene of the collision within an ambulance.
22 Passenger #1 related in essence the following statement: Passenger #1 was asleep in the front
23 passenger seat of Vehicle #1 (Volkswagen). Passenger #1 continuously heard the sound, of what
24 he recognized as Vehicle #1 going over the rumble strip. Passenger #1 then heard a loud bang
25 and then felt the impact of the collision. When Vehicle #1 came to rest, Party #1 was partially on
26 top of Passenger #1. Passenger #1 attempted to locate a pulse on Party #1, but was unable to
27 locate a confirmed pulse. Passenger #1 then opened the passenger side door and exited the
28 vehicle where he was met by witness #1 (John Curtis).

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN.MATTHEWS.015008	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

1 Witness #1 (John Curtis): was located at the scene of the collision standing alongside his wife,
2 Witness #2 (Nicola Curtis), on the south shoulder of Interstate 8 eastbound just west of Vehicle
3 #1. I contacted Witness #1 and he related in essence the following statement: Witness #1 was
4 driving his vehicle and was in the #2 lane traveling at approximately 72 miles per hour. Witness #1
5 observed there was a brown sedan about 5 car lengths in front of him and Vehicle #1 was about 5
6 car lengths in front of the brown sedan. Witness #1 estimated both vehicles in front of him were
7 traveling approximately the same speed as he was traveling. Witnesses #1 observed Vehicle #1
8 slowly start to drift to the right, off of the roadway, and then collide head-on with a metal beam
9 guardrail. At the point of impact, there were large amounts of debris flying in the air. Witness #1
10 pulled over to check on the occupants of the involved vehicle. Witness #1 approached Vehicle #1
11 and observed Passenger #1 out of the vehicle. Witness #1 checked Party #1 for a pulse, but was
12 unable to find a pulse. Witness #1 did not observe any erratic driving by Party #1 prior to the
13 collision.

14

15 Witness #2 (Nicola Curtis): was located at the scene of the collision standing alongside her
16 husband, Witness #1, on the south shoulder of Interstate 8 eastbound west of Vehicle #1. I
17 contacted Witness #2 and she related in essence the following statement: Witness #2 was a
18 passenger in Witness #1's vehicle. Witnesses #2 observed Vehicle #1 slowly start to drift to the
19 right, off of the roadway, and then collide head-on with a metal guardrail. As Vehicle #1 struck the
20 guardrail, large amounts of debris flew into the air. After Witness #1 stopped their vehicle, Witness
21 #2 waited alongside their vehicle as Witness #1 approached Vehicle #1.

22

23 Witness #3 (Christian Gutierrez): was contacted during a review of all of the telephone numbers
24 that were in the California Highway Patrol CAD log. I contacted Witness #3 by telephone on
25 February 22, 2018, at 10:38 A.M. and he related in essence the following statement. Witness #3
26 was driving on Interstate 8 eastbound, west of Carrizo Gorge, when he observed Vehicle #1
27 approaching his location from the rear. Witness #3 related he observed Party #1 pass by him in
28 the #1 lane of Interstate 8 eastbound at an approximate speed of 80 miles per hour.

29

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

DATE OF INCIDENT	TIME	NGIC NUMBER	OFFICER I.D.	NUMBER
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1 Witness #3 observed Party #1 had a cellular device in his hand while he was driving. Minutes
2 later, he passed by Vehicle #1 and it appeared to have been involved in a collision with a
3 guardrail. When Witness #3 passed by the collision, he recognized Vehicle #1 and called 911 to
4 notify them of the collision.

5

6 OPINIONS AND CONCLUSIONS:

7

8 SUMMARY:

9

10 Party #1 (Martinez) was driving Vehicle #1 (Volkswagen) on Interstate 8 eastbound, west of Mica
11 Gem Mine Road, at a witnessed speed of approximately 72 miles per hour, in the #2 lane, and
12 was unrestrained. As Party #1 continued eastbound, Party #1 made an unsafe turning movement
13 to the right, this caused Vehicle #1 to veer to the right and leave the main traveled portion of
14 Interstate 8 eastbound. Due to Party #1's unsafe turning movement, Vehicle #1 traveled onto the
15 south asphalt concrete paved shoulder of Interstate 8 eastbound and headed directly towards a
16 metal beam guardrail located along the south road edge of Interstate 8 eastbound. The front of
17 Vehicle #1 collided into the metal beam guardrail. After the collision, Vehicle #1 came to rest on
18 three of its wheels, facing in a north easterly direction, to the south of the south road edge of
19 Interstate 8 eastbound. Vehicle #1 came to rest with its rear wheels partially down the descending
20 embankment along the south road edge, with Vehicle #1's left-front tire approximately 18 inches
21 above the ground. The metal beam guardrail, bordering Interstate 8 eastbound at this location
22 was found protruding through the windshield, cabin area, and extended through the rear window
23 of Vehicle #1 approximately 20 feet.

24

25 The summary was determined by statements, vehicle damage, Party #1's injuries, and physical
26 evidence.

27

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/17/2018	1648	9680	021859	9680-2018-00736

1 AREA OF IMPACT:

2

3 The Area of Impact (Vehicle #1(Volkswagen) versus metal beam guardrail) was located
4 approximately 50 feet east of Reference Point A and approximately 10 feet south of the south
5 roadway edge of Interstate 8 eastbound.

6

7 Area of Impact was determined by statements, vehicle damage, Party #1 (Martinez)'s injuries, and
8 physical evidence.

9

10 CAUSE:

11

12 Party #1 (Martinez) caused this collision by driving Vehicle #1 (Volkswagen) in violation of
13 California Vehicle Code section 22107 VC, which states: No person shall turn a vehicle from a
14 direct course or move right or left upon a roadway until such movement can be made with
15 reasonable safety and then only after the giving of an appropriate signal in the manner provided in
16 this chapter in the event any other vehicle may be affected by the movement. Party #1 unsafely
17 steered Vehicle #1 to the right causing Vehicle #1 to veer off the road and collide with the metal
18 beam guardrail along the south road edge of Interstate 8 eastbound.

19

20 The cause was determined by statements, vehicle damage, Party #1's injuries, and physical
21 evidence.

22

23 RECOMMENDATIONS:

24

25 None.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
BRAD ROBERTSON	021859	02/18/2018	DAN MATTHEWS 015008	04/30/2018

EXHIBIT 2

MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM

CHP 558D (Rev. 9-08) OPI 065 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	MAIT CASE NUMBER	PAGE
02/17/2018	1648	9680	21859	9680-2018-00736	BL-008-18	i

BL-008-18

California Highway Patrol
El Cajon Area

MAIT SUPPLEMENTAL

This investigation was conducted by the California Highway Patrol (CHP) Border Division Multidisciplinary Accident Investigation Team (MAIT).



MAIT PERSONNEL

Officer K. Chase, ID 13781, Border Division MAIT Investigator
Officer B. Downing, ID 18136, Border Division MAIT Investigator

SUBPOENAS FOR MAIT PERSONNEL SHOULD BE DIRECTED TO:

California Highway Patrol
Border Division Special Services Command - MAIT
9330 Farnham Street
San Diego, California 92123-1216
Attention: Sergeant C. Buono

MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM

CHP 558D (Rev. 9-08) OPI 065 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	MAIT CASE NUMBER	PAGE
02/17/2018	1648	9680	21859	9680-2018-00736	BL-008-18	1

FACTS – INTRODUCTION

MAIT Notification

On February 20, 2018, the CHP El Cajon Area, requested MAIT assistance with the investigation of a fatal-injury collision. The request for assistance was approved by CHP Border Division executive management on February 21, 2018.

The collision occurred on February 17, 2018, at 1648 hours, on eastbound Interstate 8, west of Mica Gem Mine Road, in an unincorporated area of the county of San Diego.

The following vehicle and parties were involved in this collision:

- 2016 Volkswagen Jetta, driven by Mr. Gonzalo Trinidad Martinez, along with his passenger, Sergio Antonio

As a result of the collision, Mr. Trinidad Martinez sustained fatal injuries.

Scope of Investigation

This Border Division MAIT investigation was limited to the following investigative responsibility:

- Imaging of the airbag control module (ACM) installed in the Volkswagen

Throughout this report, unless otherwise indicated, all times, speeds, and measurements are approximate, and date references are for the year 2018.

Investigation Overview

February 21

At 1315 hours, Investigators Downing and Chase arrived at County Wide Towing [327 Cypress Lane, El Cajon, CA]. Investigator Downing documented the condition of the Volkswagen in digital images. Due to post-collision damage to the electrical system, a Bosch CDR interface module was connected to the Volkswagen's Diagnostic Link Connector, with power supplied to the vehicle via a battery booster pack. At 1418 hours, Investigator Downing imaged the data recorded on the ACM installed in the Lexus. The image was not consistent with the visible deployed restraints and vehicle damage. The battery booster was left in place for a short time, and at 1459 hours, Investigator Chase imaged the data recorded on the ACM installed in the Volkswagen, which was consistent with the deployed restraints and damage. The original data remained unaltered on the ACM.

February 26

Bosch technical support was contacted and suggested when the battery booster was first applied; there was insufficient power to the controller area network (CAN) which prevented communication between the ACM and the Bosch CDR interface. Once the Volkswagen's electrical system was sufficiently charged, communication between the CAN and the interface was able to image the recorded events on the ACM.

MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM

CHP 558D (Rev. 9-08) OPI 065 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	MAIT CASE NUMBER	PAGE
02/17/2018	1648	9680	21859	9680-2018-00736	BL-008-18	2

FACTS – PHYSICAL EVIDENCE LOG

Physical evidence collected during the course of this investigation is listed in Table 1. Requests regarding the items of evidence listed below should be made directly to:

California Highway Patrol – El Cajon Area
1722 East Main Street
El Cajon, California 92021
(619) 401-2000

Table 1

Physical Evidence Collected and booked at the CHP El Cajon Area

Date	Description
02/21/2018	1 recordable optical disc containing 49 digital images of the Volkswagen taken at County Wide Towing by Investigator Downing
02/21/2018	1 recordable optical disc containing the two separate images of data retrieved by Investigator Downing and Investigator Chase from the ACM installed in the Volkswagen

MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM

CHP 558D (Rev. 9-08) OPI 065 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	MAIT CASE NUMBER	PAGE
02/17/2018	1648	9680	21859	9680-2018-00736	BL-008-18	3

FACTS – DIGITAL IMAGE LOG

During the course of this investigation, Investigator Downing took a total of 49 digital images (Table 2). All digital images were copied from the memory card of the camera onto a digital optical disc. The optical disc was booked into evidence at the CHP El Cajon Area.

Requests regarding the digital image files listed below should be made directly to:

California Highway Patrol – El Cajon Area
1722 East Main Street
El Cajon, California 92021
(619) 401-2000

Table 2

Digital Images Taken During the Course of this Investigation

Date	Images	Description
02/21/2018	IMG_7514 to IMG_7562	49 images of the Volkswagen taken by Investigator Downing at County Wide Towing

MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM

CHP 558D (Rev. 9-08) OPI 065 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	MAIT CASE NUMBER	PAGE
02/17/2018	1648	9680	21859	9680-2018-00736	BL-008-18	4

RECOMMENDATIONS

The recorded data imaged from the ACM installed in the Volkswagen should be compared with the physical evidence at the collision scene by a trained CDR Analyst using collision reconstruction techniques before making any assumptions about the import and validity of the data recorded in the module with respect to the collision event being analyzed. Such comparison was not conducted as part of this investigation.

MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM

CHP 558D (Rev. 9-08) OPI 065 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	MAIT CASE NUMBER	PAGE
02/17/2018	1648	9680	21859	9680-2017-00736	BL-008-18	A1

ANNEX A: BOSCH CDR (ACM – 2016 VOLKSWAGEN JETTA)

This annex contains the 5 page Crash Data Retrieval (CDR) report generated by the Bosch Crash Data Retrieval (CDR) software after imaging the ACM by Investigator Downing.

IMPORTANT NOTICE: Robert Bosch LLC and the manufacturers whose vehicles are accessible using the CDR System urge end users to use the latest production release of the Crash Data Retrieval system software when viewing, printing or exporting any retrieved data from within the CDR program. Using the latest version of the CDR software is the best way to ensure that retrieved data has been translated using the most current information provided by the manufacturers of the vehicles supported by this product.

CDR File Information

User Entered VIN	3VW267AJ3GM237769
User	B. Downing 18136
Case Number	BL-008-18
EDR Data Imaging Date	02/21/2018
Crash Date	02/17/2018
Filename	3VW267AJ3GM237769_ACM.CDRX
Saved on	Wednesday, February 21 2018 at 14:18:30
Imaged with CDR version	Crash Data Retrieval Tool 17.6.1
Imaged with Software Licensed to (Company Name)	California Highway Patrol
Reported with CDR version	Crash Data Retrieval Tool 17.6.1
Reported with Software Licensed to (Company Name)	California Highway Patrol
EDR Device Type	Airbag Control Module
Event(s) recovered	None

Comments

Download authorized by consent
 recommend tire size - 195 65r15
 actual size - 205 55r16
 imaging via DLC
 battery booster applied led dash came on
 also present K.Chase 13781
 imaging at Countywide towing in El Cajon 327 Cypress 92020

Data Limitations

AIRBAG CONTROL MODULE (ACM) DATA LIMITATIONS:

General Information:

These limitations are intended to assist you in reading the event data that has been imaged from the vehicle's Airbag Control Module (ACM). They are not intended to provide specific information regarding the interpretation of this data. Event data should be examined in conjunction with other available physical evidence from the vehicle and scene.

Note: The ACM's current DTC status will be altered if the ACM is powered-up without the vehicle periphery connected. This situation might occur when the CDR tool is connected directly to the ACM (e.g. for bench top imaging). It will not affect the stored EDR data, but may result in additional DTCs within the ACM.

Note: During bench top imaging, make sure the ACM is not moved, tilted or turned over while connected to and powered by the CDR Interface Module. Also, after a CDR imaging process, wait one minute after power is removed from the ACM before attempting to move the module. Not following these general ACM guidelines for bench top imaging could cause new events to be recorded in the ACM.

Recorded Crash Events:

This ACM is capable of recording up to 6 events of front, side, rear or rollover events within its memory. Each record contains 5 seconds of pre-crash data and at least 300ms of post-crash data. Deployment events are locked into memory and cannot be overwritten. Non-deployment events can be overwritten by subsequent deployment or non-deployment events. The oldest non-deployment event will be overwritten first. Some ACMs stop over-writing of older non-deployment events by more recent non-deployment events after a certain number of events (more than 1000). Under these conditions, the storage of deployment events is still available. The event counter is incremented for each event and stored within the data record.

Deployment events are recorded, when a non-reversible restraint system was commanded to deploy. Recording of non-deployment events requires a minimum delta-V of 8km/h within a 150ms period in either longitudinal or lateral direction. Reversible restraint systems (e.g. active headrests) that have been commanded to deploy also trigger recording of a non-deployment event. Time Zero of an event is determined by the ACM's algorithms based on the acceleration and/or pressure sensors or a deployment command. Post-crash data (e.g. deployment time of restraint systems) is reported relative to Time Zero.

The ACM supports recording of multiple events. In case of a rapid sequence of events (e.g. a combined frontal and side event), the ACM will record the data within a common EDR entry (a so-called parallel event). In this case, the post-crash data is reported relative to Time Zero of the initial event. If the initial event has already ended and another event happens within a time period of 5s from Time Zero of the initial event, the ACM will record a multi-event consisting of two or more separate EDR entries.

If power to the ACM was lost during an event, all or part of the event data record may not have been recorded.

Data:

The reported data elements may vary by vehicle model, model year or vehicle configuration. Part of the pre-crash data has been transmitted to the ACM by various vehicle control modules via the vehicle's communication network.

Time-continuous pre-crash data is recorded at two samples per second for 5 seconds before Time Zero. The main data elements are:

- Speed Vehicle Indicated: is reported as displayed by the vehicle's instrument cluster. The vehicle speed is evaluated as an average of wheel speeds and transmitted via the vehicle communication network to the ACM. Its data accuracy may be affected by various factors, such as significant changes in tire size from the factory settings, wheel lock-up or slip.
- Accelerator Pedal: is the ratio of the accelerator pedal's position compared to the fully depressed position (in percent). The pedal position sensor is wired to the Engine Control Module.
- Service Brake Activation: is the status of the brake pedal switch. The switch is wired to the Engine Control Module.
- Engine RPM (Combustion Engine): as reported by the Engine Control Module.
- Steering Input: as reported by the wheel angle sensor.
- ABS Activity: as reported by the Electronic Stability Control Module.
- Stability Control: as reported by the Electronic Stability Control Module.

The pre-crash status is recorded 1 second before. The main data elements are:

- Safety Belt Status: as evaluated by the belt-switches that are wired to the ACM.
- Seat Track Position Switch: as evaluated by the seat track position sensors that are wired to the ACM.
- Airbag Warning Lamp, Status: as commanded by the ACM.
- Occupant Size Classification, Front Passenger: as reported by the occupant classification system.
- Frontal Airbag Disable Indicator Status: as commanded by the ACM.

Pre-crash and post-crash data are recorded asynchronously. The data element "Time from Last Speed Data Sample (Pre-crash) to Time Zero" indicates the time delay between the most recent pre-crash data sample and Time Zero (0 to 500ms).

Post-crash data is recorded after Time Zero up to 300ms. The Vehicle Roll Angle may be recorded for 5 seconds post-crash. The main data elements are:

- Event Type: indicates the event type depending on the algorithm that triggered the recording criteria first (deployment or Delta-V threshold).
- Multi-Event, Number of Events: determines the chronological order of records being part of a multi-event.
- Time from Previous / Initial Event to Current Event: indicates the time difference between records of multi-events.
- Delta-V Longitudinal / Lateral: are recorded every 10ms from Time Zero to 250ms. Delta-V reflects the change in velocity that the ACM experienced during the recorded time period. It does not necessarily correlate with vehicle traveling speed.
- Longitudinal / Lateral / Normal Acceleration: are recorded every 10ms from Time Zero to 250ms (if supported by the ACM). The reported range of acceleration may vary between ACM models (approximately +/- 50g or more).
- Clipping Time, Longitudinal / Lateral Acceleration Sensor: depending on the severity of the event, the measuring range of the longitudinal or lateral accelerometers may be exceeded. The data elements "Clipping Time, Longitudinal / Lateral Acceleration Sensor" indicate the time within an event when the measurement first exceeded the design range of the sensor. As a result, subsequent Delta-V values may be underestimated.
- Vehicle Roll Angle: is recorded every 100ms from 1 second before and up to 5 seconds after Time Zero. Due to mechanical limitations of the roll rate sensor, high accelerations, which can occur during front, side or rear crashes, can disturb the oscillating angular rate sensing element. This results in the roll rate data being temporarily invalid for a short period of time (at or shortly after Time Zero).
- Time to Deployment: indicates the time at which the ACM commanded the deployment of the associated restraint system.
- Disposal: indicates whether the ACM commanded the disposal of the propellant from the associated restraint system. "No Disposal" indicates that the restraint system was commanded to deploy for occupant restraint purposes.
- Vehicle Clock, Date and Time at Event: is reported as the date and time of the vehicle's clock at the time of an event. Since the vehicle clock may be adjusted manually, the reported values may not reflect the actual date and time of given event. As with the other data elements reported herein, these parameters should be examined in conjunction with other available physical evidence from the vehicle and scene.
- Complete File Recorded: indicates if the event data has been completely recorded to the ACM's memory or if the recording process has been interrupted before completion.

The status "Data not Available" is reported if the ACM was unable to store the data element (e.g. due to missing communication). "Invalid Data" reported if the ACM was unable to store valid data for the data element (e.g. range exceeded, communication failure, sensor failure).

Data Sign Convention:

Data Element Name	Positive Sign Notation Indicates
Longitudinal Acceleration	Forward
Delta-V, Longitudinal	Forward
Maximum Delta-V, Longitudinal	Forward
Lateral Acceleration	Left to Right
Delta-V, Lateral	Left to Right
Maximum Delta-V, Lateral	Left to Right
Normal Acceleration	Downward
Vehicle Roll Angle	Left to Right Rotation
Steering Input	Left Turn

Hexadecimal Data:

Data that the vehicle manufacturer has specified for data retrieval is shown in the hexadecimal data section of the CDR report. The hexadecimal data section of the CDR report may contain data that is not translated by the CDR program. The control module contains additional data that is not



retrievable by the CDR system.

14002_VW_002_r002



Hexadecimal Data

FA10 01
FA12 01 00 00 07 F1 00 00 07 F9
FA11 02 00 04
FA13 No Data received (CRC checksum did not complete successfully)
FA14 No Data received (CRC checksum did not complete successfully)
FA15 No Data received (CRC checksum did not complete successfully)
FA16 No Data received (CRC checksum did not complete successfully)
FA17 No data received.
FA18 00 00



Disclaimer of Liability

The users of the CDR product and reviewers of the CDR reports and exported data shall ensure that data and information supplied is applicable to the vehicle, vehicle's system(s) and the vehicle ECU. Robert Bosch LLC and all its directors, officers, employees and members shall not be liable for damages arising out of or related to incorrect, incomplete or misinterpreted software and/or data. Robert Bosch LLC expressly excludes all liability for incidental, consequential, special or punitive damages arising from or related to the CDR data, CDR software or use thereof.

MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM

CHP 558D (Rev. 9-08) OPI 065 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	MAIT CASE NUMBER	PAGE
02/17/2018	1648	9680	21859	9680-2017-00736	BL-008-18	B1

ANNEX B: BOSCH CDR (ACM – 2016 VOLKSWAGEN JETTA)

This annex contains the 47 page Crash Data Retrieval (CDR) report generated by the Bosch Crash Data Retrieval (CDR) software after imaging the ACM by Investigator Chase.

IMPORTANT NOTICE: Robert Bosch LLC and the manufacturers whose vehicles are accessible using the CDR System urge end users to use the latest production release of the Crash Data Retrieval system software when viewing, printing or exporting any retrieved data from within the CDR program. Using the latest version of the CDR software is the best way to ensure that retrieved data has been translated using the most current information provided by the manufacturers of the vehicles supported by this product.

CDR File Information

User Entered VIN	3VW267AJ3GM237769
User	K.Chase #13781
Case Number	BL-008-18
EDR Data Imaging Date	02/21/2018
Crash Date	02/17/2018
Filename	3VW267AJ3GM237769_ACM.CDRX
Saved on	Wednesday, February 21 2018 at 14:59:06
Imaged with CDR version	Crash Data Retrieval Tool 17.6.1
Imaged with Software Licensed to (Company Name)	California Highway Patrol
Reported with CDR version	Crash Data Retrieval Tool 17.6.1
Reported with Software Licensed to (Company Name)	California Highway Patrol
EDR Device Type	Airbag Control Module
Event(s) recovered	Record 1, Record 2, Record 3, Record 4, Record 5

Comments

Inspection location: Countywide Towing 327 Cypress El Cajon, CA. 92020
 Imaging conducted pursuant to Consent?: Y/N Yes
 Ignition key available and its position at the start of the inspection: In ignition ON position
 Odometer reading/units: no instrument panel
 This session completed by: DLC
 Backpowering required: Battery booster to battery cables. No battery in car.
 Recommended tire size (sticker): 195 65R15
 Actual Tire size(s): 205 55R16
 Visible restraint deployment(s): Frontal driver and passenger, both side curtains front and rear. Both pretensioners fired. Driver seatbelt not worn.
 Individuals present: B.Downing 18136, T. Wirth 18166.
 Other notes (warning light, etc):
 when battery pack applied, dash light and rear flashers came on.

Data Limitations

AIRBAG CONTROL MODULE (ACM) DATA LIMITATIONS:

General Information:

These limitations are intended to assist you in reading the event data that has been imaged from the vehicle's Airbag Control Module (ACM). They are not intended to provide specific information regarding the interpretation of this data. Event data should be examined in conjunction with other available physical evidence from the vehicle and scene.

Note: The ACM's current DTC status will be altered if the ACM is powered-up without the vehicle periphery connected. This situation might occur when the CDR tool is connected directly to the ACM (e.g. for bench top imaging). It will not affect the stored EDR data, but may result in additional DTCs within the ACM.

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Recorded Crash Events:

This ACM is capable of recording up to 6 events of front, side, rear or rollover events within its memory. Each record contains 5 seconds of pre-crash data and at least 300ms of post-crash data. Deployment events are locked into memory and cannot be overwritten. Non-deployment events can be overwritten by subsequent deployment or non-deployment events. The oldest non-deployment event will be overwritten first. Some ACMs stop over-writing of older non-deployment events by more recent non-deployment events after a certain number of events (more than 1000). Under these conditions, the storage of deployment events is still available. The event counter is incremented for each event and stored within the data record.

Deployment events are recorded, when a non-reversible restraint system was commanded to deploy. Recording of non-deployment events requires a minimum delta-V of 8km/h within a 150ms period in either longitudinal or lateral direction. Reversible restraint systems (e.g. active headrests) that

have been commanded to deploy also trigger recording of a non-deployment event. Time Zero of an event is determined by the ACM's algorithms based on the acceleration and/or pressure sensors or a deployment command. Post-crash data (e.g. deployment time of restraint systems) is reported relative to Time Zero.

The ACM supports recording of multiple events. In case of a rapid sequence of events (e.g. a combined frontal and side event), the ACM will record the data within a common EDR entry (a so-called parallel event). In this case, the post-crash data is reported relative to Time Zero of the initial event. If the initial event has already ended and another event happens within a time period of 5s from Time Zero of the initial event, the ACM will record a multi-event consisting of two or more separate EDR entries.

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Data:

The reported data elements may vary by vehicle model, model year or vehicle configuration. Part of the pre-crash data has been transmitted to the ACM by various vehicle control modules via the vehicle's communication network.

Time-continuous pre-crash data is recorded at two samples per second for 5 seconds before Time Zero. The main data elements are:

- Speed Vehicle Indicated: is reported as displayed by the vehicle's instrument cluster. The vehicle speed is evaluated as an average of wheel speeds and transmitted via the vehicle communication network to the ACM. Its data accuracy may be affected by various factors, such as significant changes in tire size from the factory settings, wheel lock-up or slip.
- Accelerator Pedal: is the ratio of the accelerator pedal's position compared to the fully depressed position (in percent). The pedal position sensor is wired to the Engine Control Module.
- Service Brake Activation: is the status of the brake pedal switch. The switch is wired to the Engine Control Module.
- Engine RPM (Combustion Engine): as reported by the Engine Control Module.
- Steering Input: as reported by the wheel angle sensor.
- ABS Activity: as reported by the Electronic Stability Control Module.
- Stability Control: as reported by the Electronic Stability Control Module.

The pre-crash status is recorded 1 second before. The main data elements are:

- Safety Belt Status: as evaluated by the belt-switches that are wired to the ACM.
- Seat Track Position Switch: as evaluated by the seat track position sensors that are wired to the ACM.
- Airbag Warning Lamp, Status: as commanded by the ACM.
- Occupant Size Classification, Front Passenger: as reported by the occupant classification system.
- Frontal Airbag Disable Indicator Status: as commanded by the ACM.

Pre-crash and post-crash data are recorded asynchronously. The data element "Time from Last Speed Data Sample (Precrash) to Time Zero" indicates the time delay between the most recent pre-crash data sample and Time Zero (0 to 500ms).

Post-crash data is recorded after Time Zero up to 300ms. The Vehicle Roll Angle may be recorded for 5 seconds post-crash. The main data elements are:

- Event Type: indicates the event type depending on the algorithm that triggered the recording criteria first (deployment or Delta-V threshold).
- Multi-Event, Number of Events: determines the chronological order of records being part of a multi-event.
- Time from Previous / Initial Event to Current Event: indicates the time difference between records of multi-events.
- Delta-V Longitudinal / Lateral: are recorded every 10ms from Time Zero to 250ms. Delta-V reflects the change in velocity that the ACM experienced during the recorded time period. It does not necessarily correlate with vehicle traveling speed.
- Longitudinal / Lateral / Normal Acceleration: are recorded every 10ms from Time Zero to 250ms (if supported by the ACM). The reported range of acceleration may vary between ACM models (approximately +/- 50g or more).
- Clipping Time, Longitudinal / Lateral Acceleration Sensor: depending on the severity of the event, the measuring range of the longitudinal or lateral accelerometers may be exceeded. The data elements "Clipping Time, Longitudinal / Lateral Acceleration Sensor" indicate the time within an event when the measurement first exceeded the design range of the sensor. As a result, subsequent Delta-V values may be underestimated.
- Vehicle Roll Angle: is recorded every 100ms from 1 second before and up to 5 seconds after Time Zero. Due to mechanical limitations of the roll rate sensor, high accelerations, which can occur during front, side or rear crashes, can disturb the oscillating angular rate sensing element. This results in the roll rate data being temporarily invalid for a short period of time (at or shortly after Time Zero).
- Time to Deployment: Indicates the time at which the ACM commanded the deployment of the associated restraint system.
- Disposal: Indicates whether the ACM commanded the disposal of the propellant from the associated restraint system. "No Disposal" indicates that the restraint system was commanded to deploy for occupant restraint purposes.
- Vehicle Clock, Date and Time at Event: is reported as the date and time of the vehicle's clock at the time of an event. Since the vehicle clock may be adjusted manually, the reported values may not reflect the actual date and time of given event. As with the other data elements reported herein, these parameters should be examined in conjunction with other available physical evidence from the vehicle and scene.
- Complete File Recorded: Indicates if the event data has been completely recorded to the ACM's memory or if the recording process has been interrupted before completion.

The status "Data not Available" is reported if the ACM was unable to store the data element (e.g. due to missing communication). "Invalid Data" reported if the ACM was unable to store valid data for the data element (e.g. range exceeded, communication failure, sensor failure).

Data Sign Convention:

Data Element Name	Positive Sign Notation Indicates
Longitudinal Acceleration	Forward
Delta-V, Longitudinal	Forward
Maximum Delta-V, Longitudinal	Forward

Lateral Acceleration	Left to Right
Delta-V, Lateral	Left to Right
Maximum Delta-V, Lateral	Left to Right
Normal Acceleration	Downward
Vehicle Roll Angle	Left to Right Rotation
Steering Input	Left Turn

Hexadecimal Data:

Data that the vehicle manufacturer has specified for data retrieval is shown in the hexadecimal data section of the CDR report. The hexadecimal data section of the CDR report may contain data that is not translated by the CDR program. The control module contains additional data that is not retrievable by the CDR system.

14002_VW_002_r002

System Status at Event (Record 1, Most Recent)

Event Counter at Event (Counts)	5
Multi-Event, Number of Events	3. Event
Time from Initial Event to Current Event (msec)	1,317.0
Time from Previous Event to Current Event (msec)	447.0
Vehicle Mileage (km)	49,270
Operating Time (min)	66.017
Ignition Cycle at Event (Cycles)	4,605
Ignition Cycle at Download (Cycles)	4,609
Maximum Delta-V, Longitudinal (MPH [km/h])	5.0 [8]
Time, Maximum Delta-V, Longitudinal (msec)	300.0
Clipping Time, Longitudinal Acceleration Sensor (msec)	Clipping Not Reached
Maximum Delta-V, Lateral (MPH [km/h])	-3.7 [-6]
Time, Maximum Delta-V, Lateral (msec)	300.0
Clipping Time, Lateral Acceleration Sensor (msec)	Clipping Not Reached
Time, Maximum Delta-V, Resultant (msec)	300.0
Time from Last Speed Data Sample (Precrash) to Time Zero (msec)	192
Vehicle Identification Number (VIN)	Data Not Available
Supply Voltage (Before Event) (V)	0.0
Complete File Recorded	Completed Successfully

Deployment Command Data (Record 1, Most Recent)

Pretensioner, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Driver (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Driver (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Driver Side (msec)	Not Deployed
Pretensioner, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 2nd Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, 2nd Stage Disposal, Front Passenger	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Front Passenger (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Passenger Side (msec)	Not Deployed

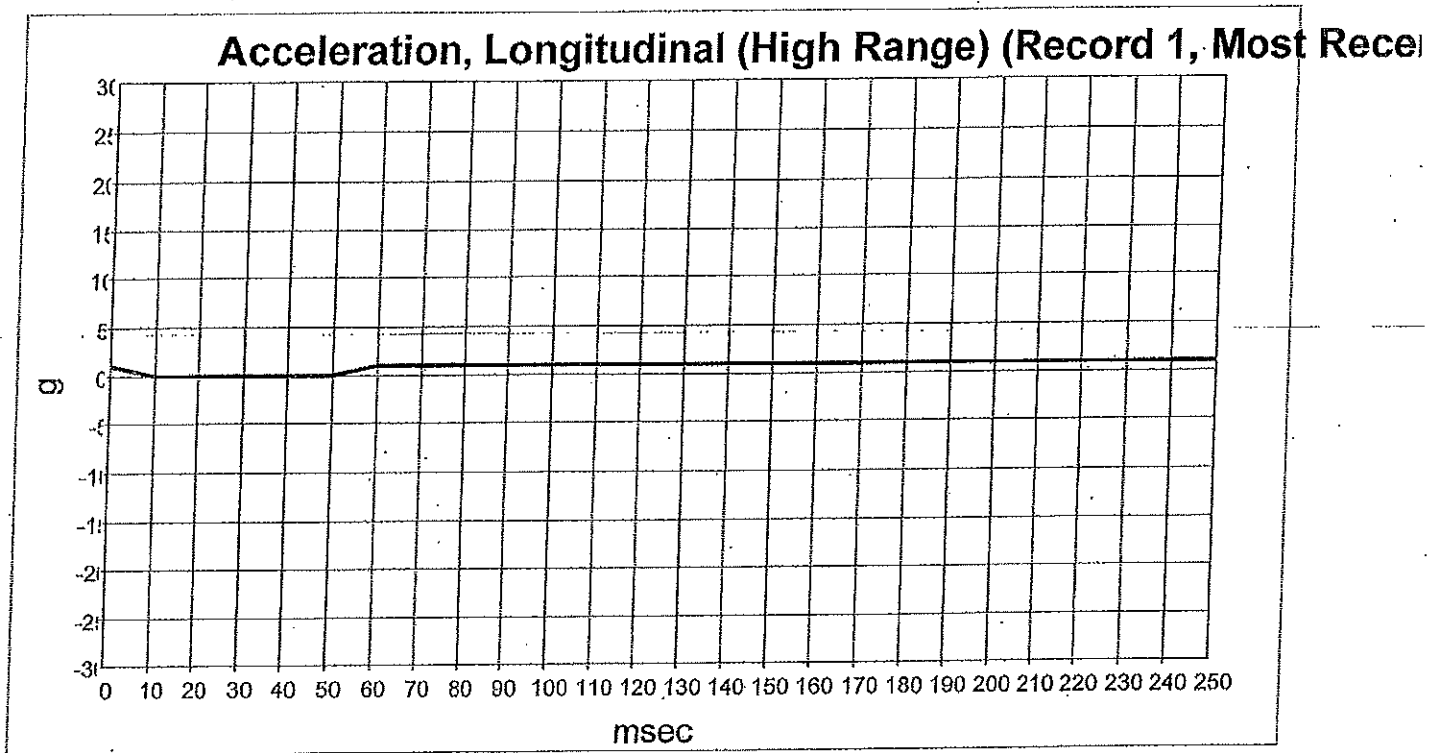
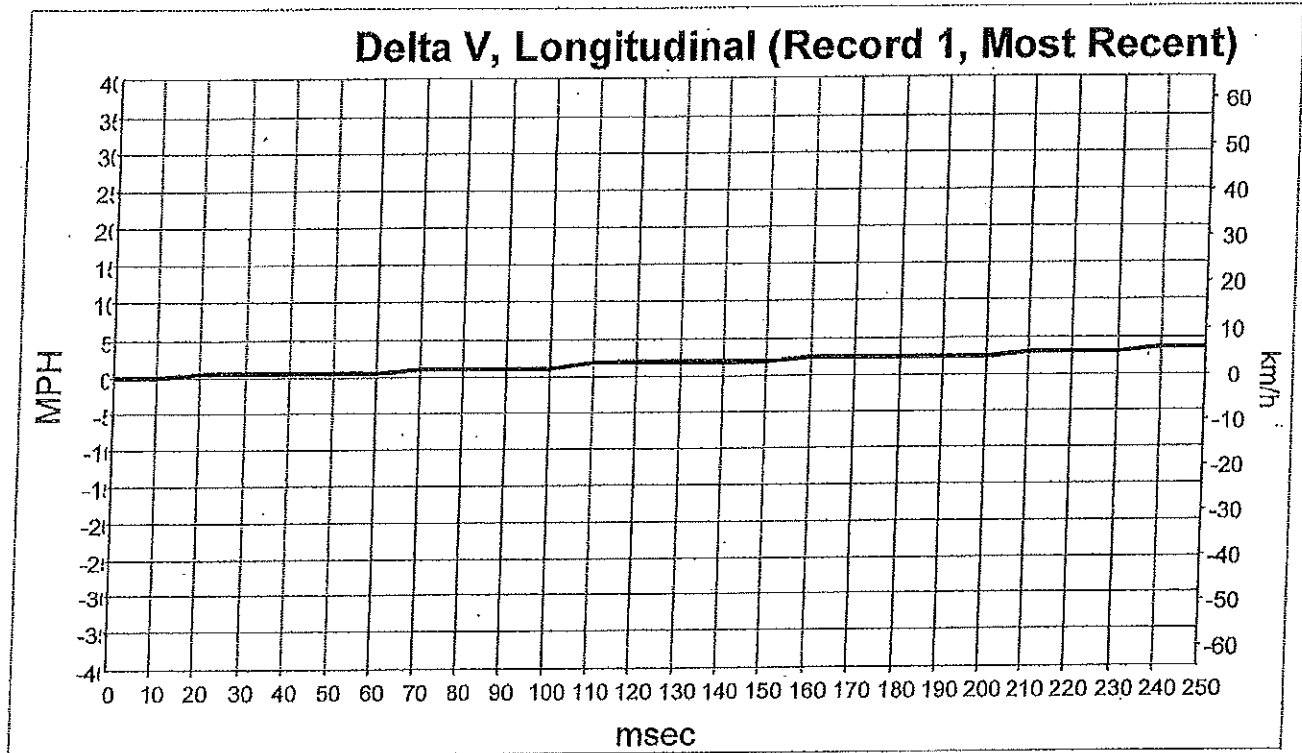
Pre-Crash Data -1 Sec (Record 1, Most Recent)

Safety Belt Status, Driver	Not Belted
Seat Track Position Switch Status, Driver	Rear
Safety Belt Status, Front Passenger	Belted
Seat Track Position Switch Status, Front Passenger	Rear
Occupant Size Classification, Front Passenger	Not Empty
Frontal Airbag Disable Indicator Status, Passenger	Off
Airbag Warning Lamp, Status	On

Pre-Crash Data -5 to 0 sec (Record 1, Most Recent)

Time (sec)	Engine RPM (Combustion Engine) (RPM)	Speed, Vehicle Indicated (MPH [km/h])	Accelerator Pedal (%)	Service Brake Activation
-5.0	2176	75 [121]	46	Off
-4.5	2176	76 [122]	46	Off
-4.0	2176	76 [122]	46	Off
-3.5	2176	76 [122]	46	Off
-3.0	2240	76 [122]	46	Off
-2.5	2240	76 [123]	46	Off
-2.0	2240	76 [123]	46	Off
-1.5	2240	77 [124]	46	Off
-1.0	2048	70 [113]	100	On
-0.5	1728	0 [0]	Invalid Data	Invalid Data
0.0	1728	0 [0]	Invalid Data	Invalid Data

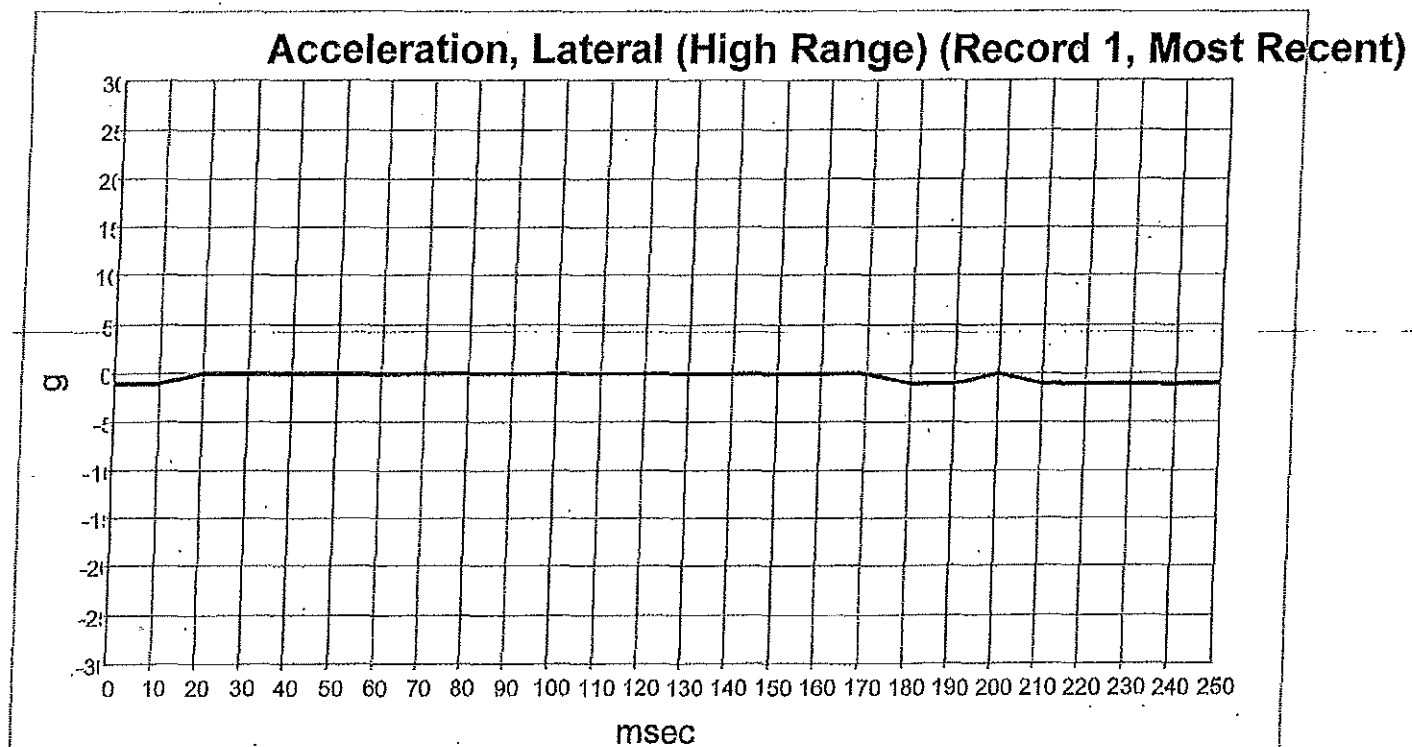
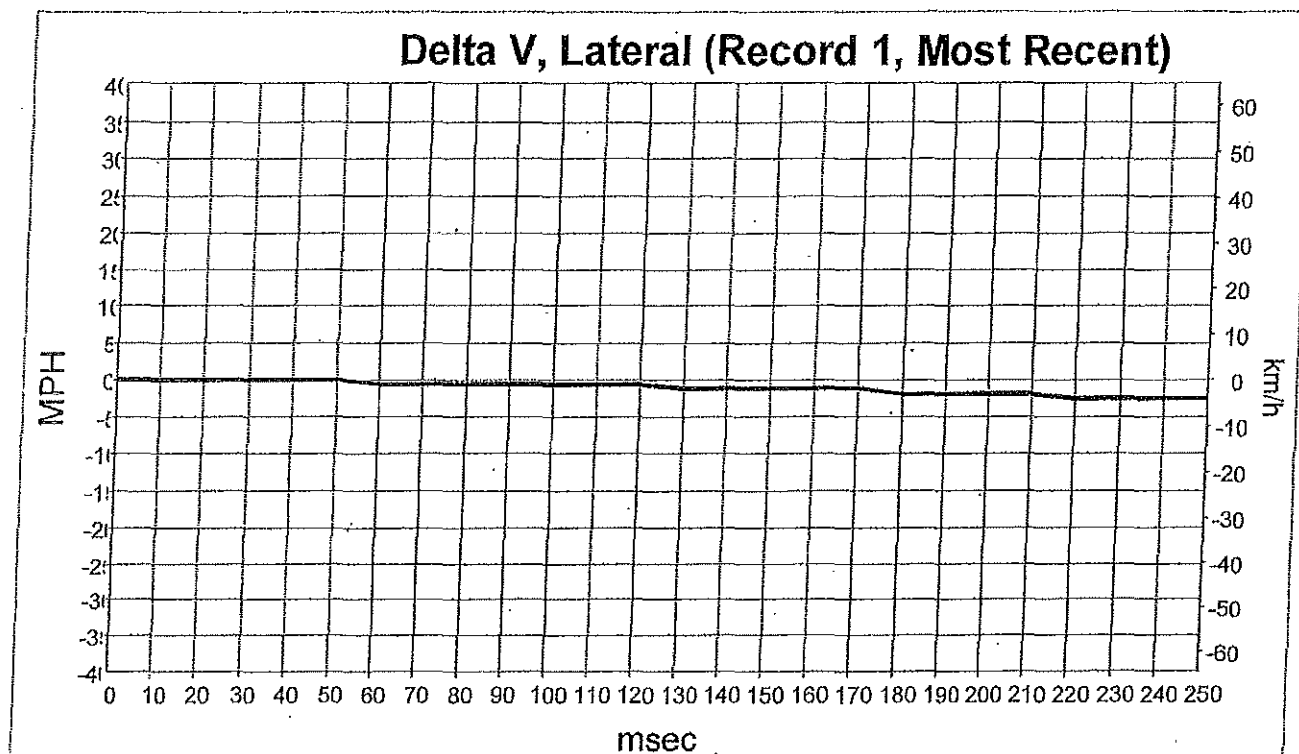
Longitudinal Crash Pulse (Record 1, Most Recent)



Longitudinal Crash Pulse (Record 1, Most Recent)

Time (msec)	Delta-V, Longitudinal (MPH [km/h])	Longitudinal Acceleration High Range
0	0.0 [0]	0.60
10	0.0 [0]	0.47
20	0.6 [1]	0.38
30	0.6 [1]	0.42
40	0.6 [1]	0.47
50	0.6 [1]	0.49
60	0.6 [1]	0.50
70	1.2 [2]	0.55
80	1.2 [2]	0.59
90	1.2 [2]	0.64
100	1.2 [2]	0.67
110	1.9 [3]	0.66
120	1.9 [3]	0.60
130	1.9 [3]	0.55
140	1.9 [3]	0.57
150	1.9 [3]	0.57
160	2.5 [4]	0.57
170	2.5 [4]	0.53
180	2.5 [4]	0.53
190	2.5 [4]	0.54
200	2.5 [4]	0.57
210	3.1 [5]	0.60
220	3.1 [5]	0.64
230	3.1 [5]	0.68
240	3.7 [6]	0.74
250	3.7 [6]	0.80

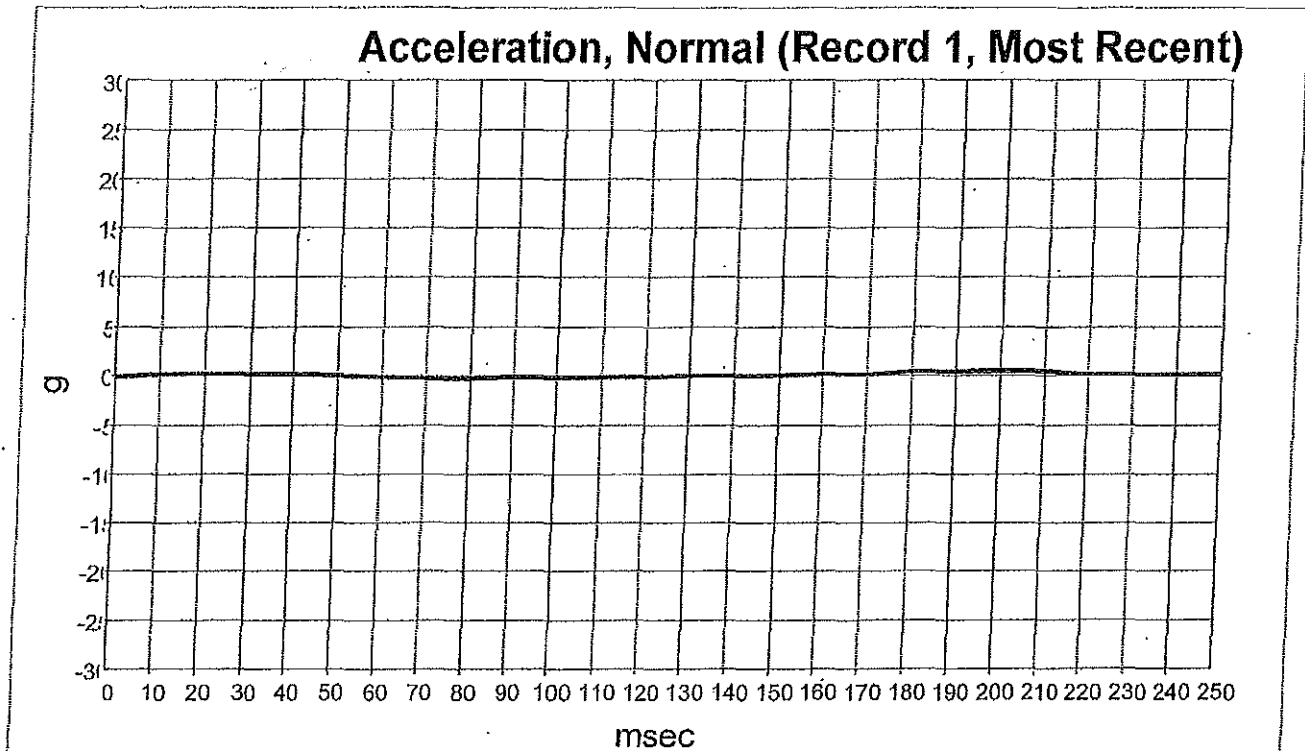
Lateral Crash Pulse (Record 1, Most Recent)



Lateral Crash Pulse (Record 1, Most Recent)

Time (msec)	Delta-V, Lateral (MPH [km/h])	Lateral Acceleration High Range (g)
0	0.0 [0]	-0.67
10	0.0 [0]	-0.61
20	0.0 [0]	-0.37
30	0.0 [0]	-0.20
40	0.0 [0]	-0.11
50	0.0 [0]	-0.16
60	-0.6 [-1]	-0.38
70	-0.6 [-1]	-0.42
80	-0.6 [-1]	-0.33
90	-0.6 [-1]	-0.39
100	-0.6 [-1]	-0.36
110	-0.6 [-1]	-0.28
120	-0.6 [-1]	-0.25
130	-1.2 [-2]	-0.36
140	-1.2 [-2]	-0.35
150	-1.2 [-2]	-0.36
160	-1.2 [-2]	-0.38
170	-1.2 [-2]	-0.46
180	-1.9 [-3]	-0.57
190	-1.9 [-3]	-0.50
200	-1.9 [-3]	-0.40
210	-1.9 [-3]	-0.56
220	-2.5 [-4]	-0.71
230	-2.5 [-4]	-0.78
240	-2.5 [-4]	-0.74
250	-2.5 [-4]	-0.71

Normal Acceleration (Record 1, Most Recent)



Time (msec)	Normal Acceleration (g)
0	-0.1
10	0.1
20	0.2
30	0.2
40	0.2
50	0.0
60	-0.2
70	-0.3
80	-0.3
90	-0.2
100	-0.2
110	-0.2
120	-0.1
130	0.0
140	0.0
150	0.0
160	0.1
170	0.2
180	0.4
190	0.4
200	0.4
210	0.4
220	0.2
230	0.2
240	0.2
250	0.1

System Status at Event (Record 2)

Event Counter at Event (Counts)	4
Multi-Event, Number of Events	2. Event
Time from Initial Event to Current Event (msec)	870.0
Time from Previous Event to Current Event (msec)	870.0
Vehicle Mileage (km)	49,270
Operating Time (min)	66,017
Ignition Cycle at Event (Cycles)	4,605
Ignition Cycle at Download (Cycles)	4,609
Maximum Delta-V, Longitudinal (MPH [km/h])	-23.6 [-38]
Time, Maximum Delta-V, Longitudinal (msec)	300.0
Clipping Time, Longitudinal Acceleration Sensor (msec)	Clipping Not Reached
Maximum Delta-V, Lateral (MPH [km/h])	-9.3 [-15]
Time, Maximum Delta-V, Lateral (msec)	300.0
Clipping Time, Lateral Acceleration Sensor (msec)	Clipping Not Reached
Time, Maximum Delta-V, Resultant (msec)	300.0
Time from Last Speed Data Sample (Precrash) to Time Zero (msec)	246
Vehicle Identification Number (VIN)	Data Not Available
Supply Voltage (Before Event) (V)	0.0
Complete File Recorded	Completed Successfully

Deployment Command Data (Record 2)

Pretensioner, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Driver (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Driver (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Driver Side (msec)	Not Deployed
Pretensioner, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 2nd Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, 2nd Stage Disposal, Front Passenger	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Front Passenger (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Passenger Side (msec)	Not Deployed

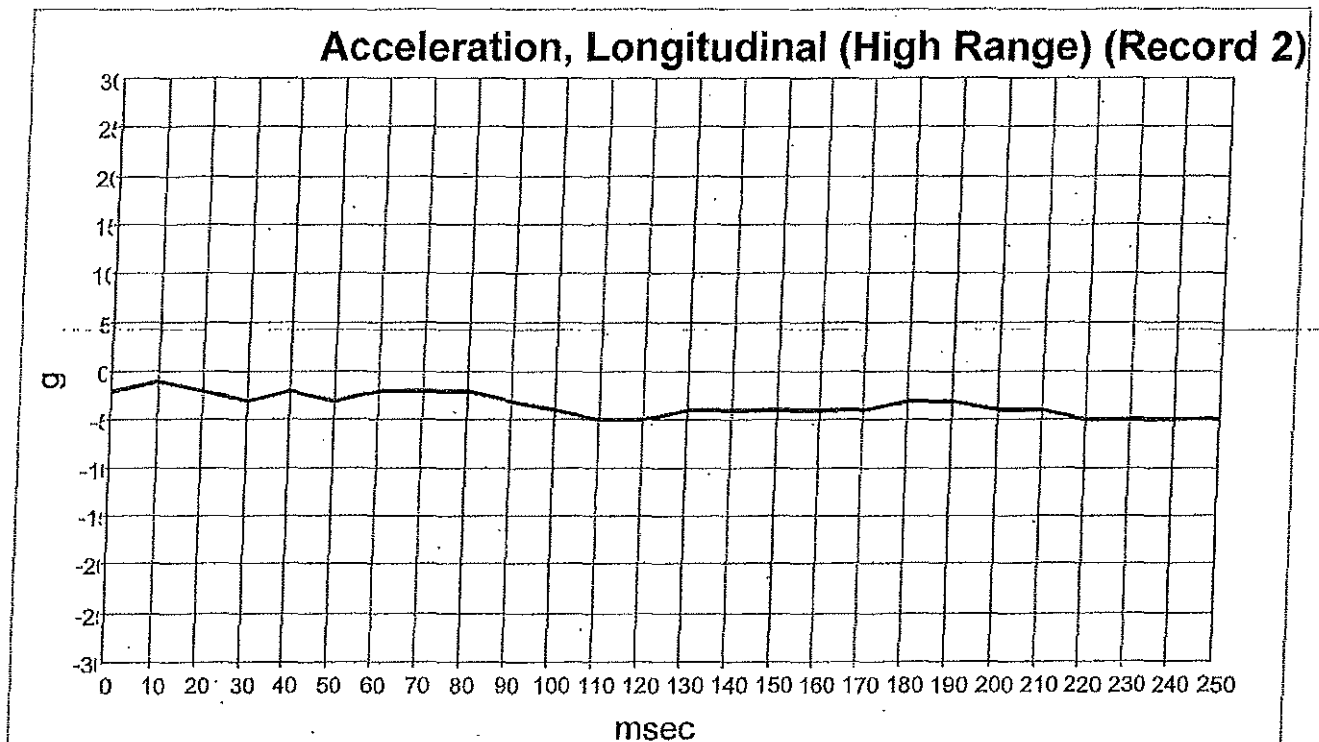
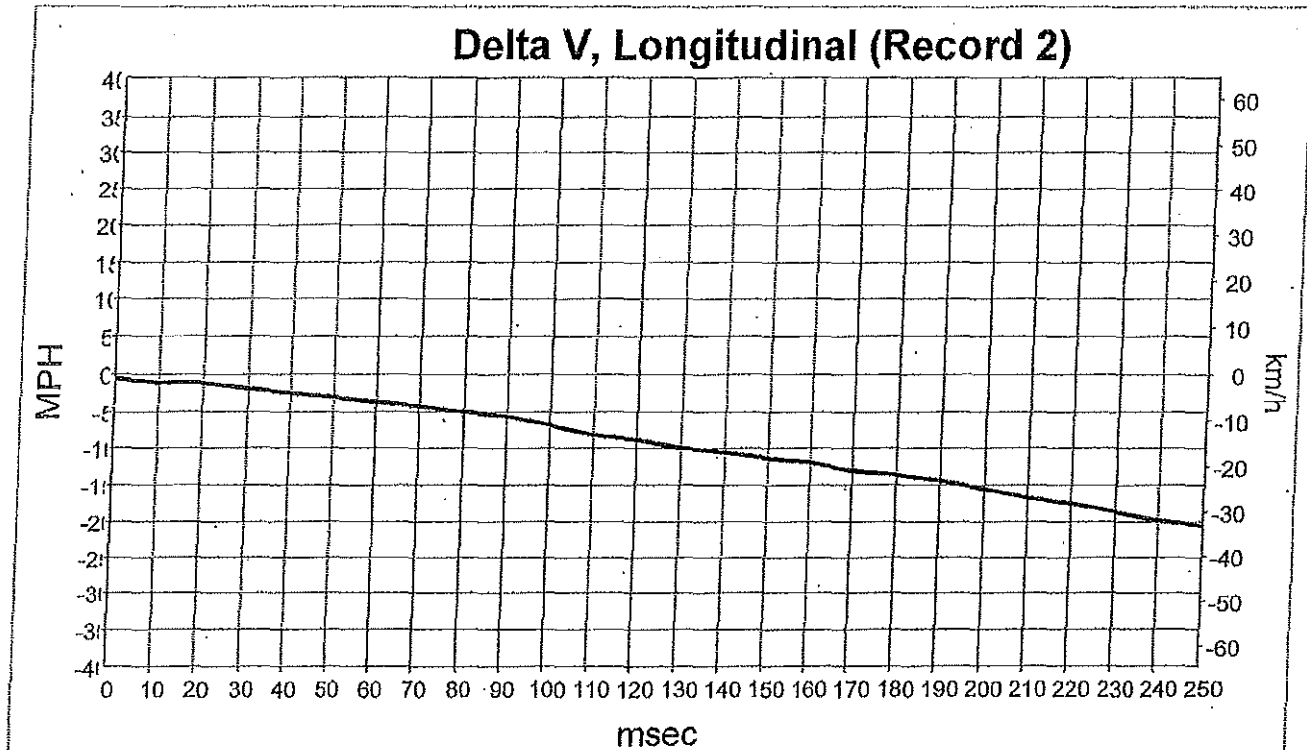
Pre-Crash Data -1 Sec (Record 2)

Safety Belt Status, Driver	Not Belted
Seat Track Position Switch Status, Driver	Rear
Safety Belt Status, Front Passenger	Belted
Seat Track Position Switch Status, Front Passenger	Rear
Occupant Size Classification, Front Passenger	Not Empty
Frontal Airbag Disable Indicator Status, Passenger	Off
Airbag Warning Lamp, Status	On

Pre-Crash Data -5 to 0 sec (Record 2)

Time (sec)	Engine RPM (Combustion Engine) (RPM)	Speed, Vehicle Indicated (MPH [km/h])	Accelerator Pedal (%)	Service Brake Activation
-5.0	2176	75 [121]	45	Off
-4.5	2176	75 [121]	46	Off
-4.0	2176	76 [122]	46	Off
-3.5	2176	76 [122]	46	Off
-3.0	2176	76 [122]	46	Off
-2.5	2240	76 [122]	46	Off
-2.0	2240	76 [123]	46	Off
-1.5	2240	76 [123]	46	Off
-1.0	2240	77 [124]	46	Off
-0.5	2048	70 [113]	100	On
0.0	1728	0 [0]	Invalid Data	Invalid Data

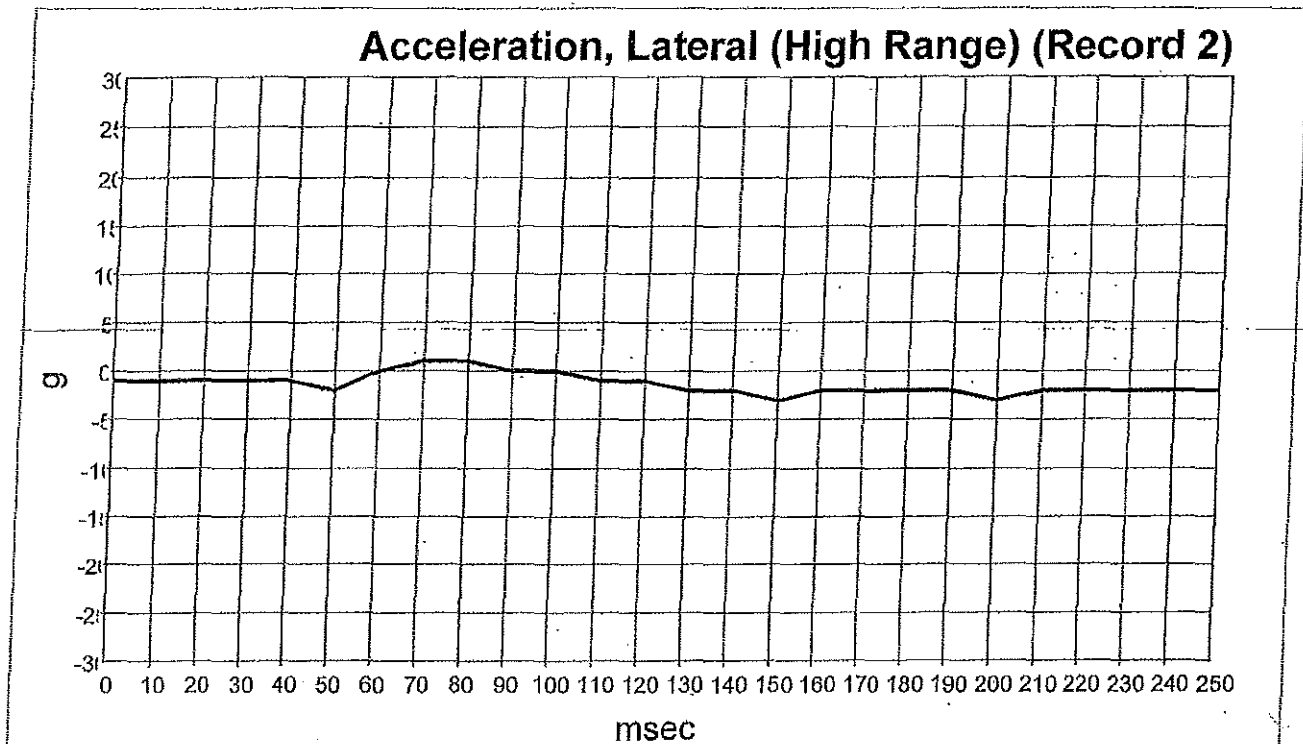
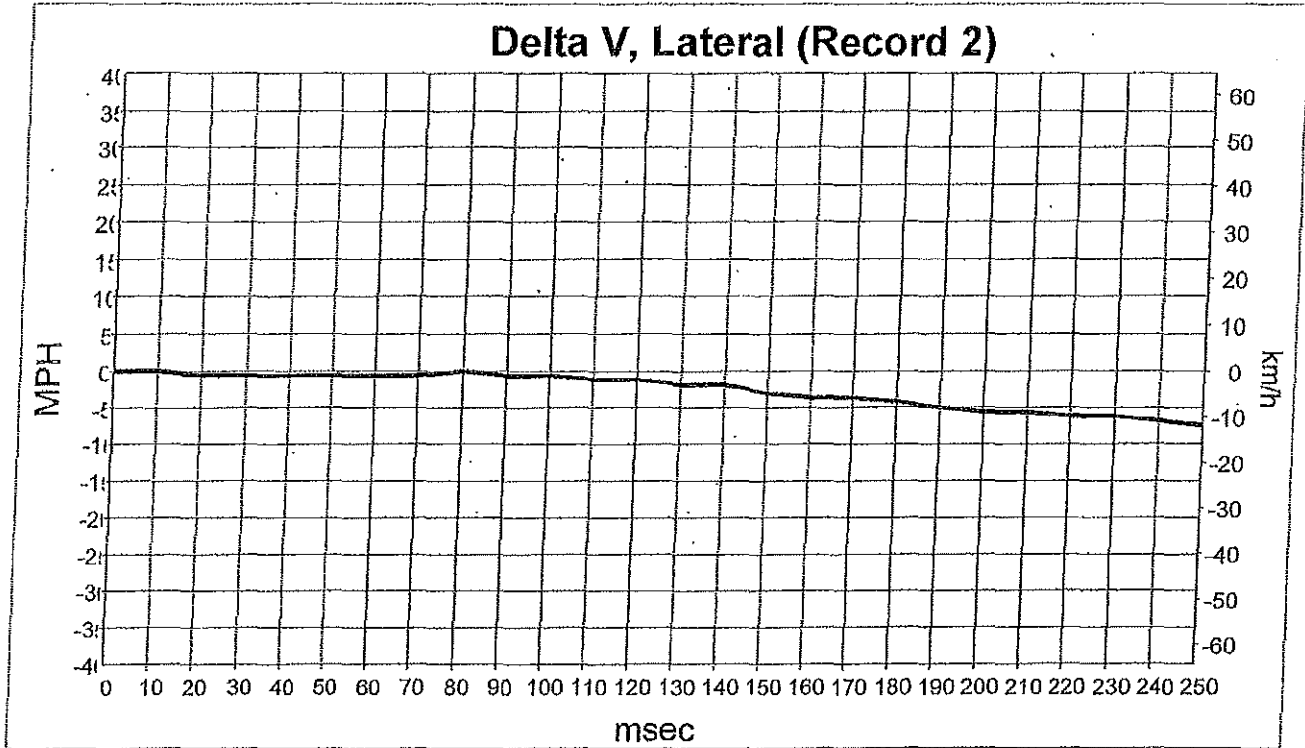
Longitudinal Crash Pulse (Record 2)



Longitudinal Crash Pulse (Record 2)

Time (msec)	Delta-V, Longitudinal (MPH [km/h])	Longitudinal Acceleration High Range
0	-0.6 [-1]	-1.55
10	-1.2 [-2]	-1.13
20	-1.2 [-2]	-1.71
30	-1.9 [-3]	-2.83
40	-2.5 [-4]	-2.45
50	-3.1 [-5]	-2.57
60	-3.7 [-6]	-2.32
70	-4.3 [-7]	-1.91
80	-5.0 [-8]	-2.46
90	-5.6 [-9]	-2.64
100	-6.8 [-11]	-4.22
110	-8.1 [-13]	-5.42
120	-8.7 [-14]	-4.64
130	-9.9 [-16]	-3.83
140	-10.6 [-17]	-3.96
150	-11.2 [-18]	-3.98
160	-11.8 [-19]	-3.60
170	-13.0 [-21]	-3.76
180	-13.7 [-22]	-3.08
190	-14.3 [-23]	-3.36
200	-15.5 [-25]	-3.71
210	-16.8 [-27]	-4.22
220	-17.4 [-28]	-4.52
230	-18.6 [-30]	-4.76
240	-19.9 [-32]	-4.82
250	-20.5 [-33]	-4.79

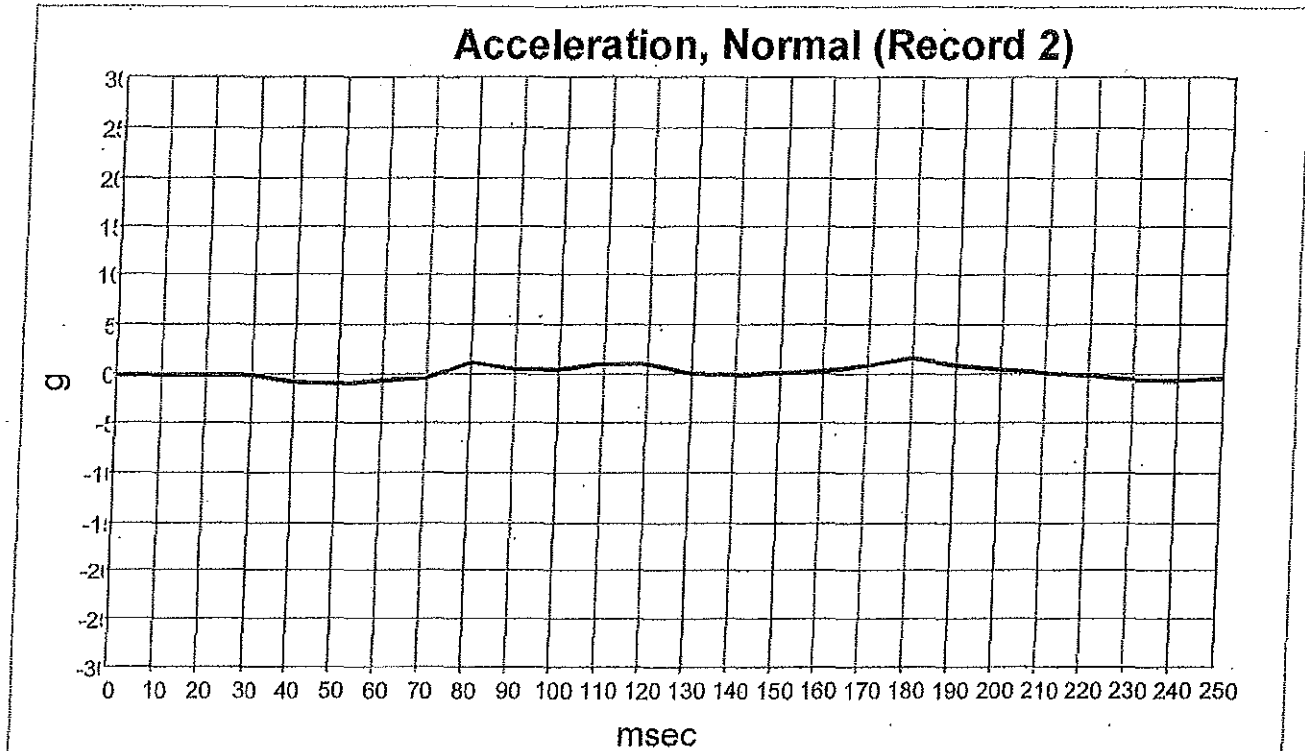
Lateral Crash Pulse (Record 2)



Lateral Crash Pulse (Record 2)

Time (msec)	Delta-V, Lateral (MPH [km/h])	Lateral Acceleration High Range (g)
0	0.0 [0]	-0.78
10	0.0 [0]	-0.69
20	-0.6 [-1]	-1.09
30	-0.6 [-1]	-0.76
40	-0.6 [-1]	-0.59
50	-0.6 [-1]	-1.87
60	-0.6 [-1]	0.25
70	-0.6 [-1]	0.53
80	0.0 [0]	0.55
90	-0.6 [-1]	0.12
100	-0.6 [-1]	-0.27
110	-1.2 [-2]	-1.29
120	-1.2 [-2]	-0.85
130	-1.9 [-3]	-1.50
140	-1.9 [-3]	-1.74
150	-3.1 [-5]	-2.56
160	-3.7 [-6]	-2.25
170	-3.7 [-6]	-2.10
180	-4.3 [-7]	-1.92
190	-5.0 [-8]	-2.37
200	-5.6 [-9]	-2.67
210	-5.6 [-9]	-2.12
220	-6.2 [-10]	-1.89
230	-6.2 [-10]	-1.82
240	-6.8 [-11]	-1.92
250	-7.5 [-12]	-1.81

Normal Acceleration (Record 2)



Time (msec)	Normal Acceleration (g)
0	-0.2
10	-0.2
20	-0.2
30	-0.2
40	-0.9
50	-1.0
60	-0.7
70	-0.4
80	1.1
90	0.5
100	0.4
110	1.0
120	1.0
130	0.0
140	-0.2
150	0.2
160	0.3
170	0.9
180	1.6
190	0.9
200	0.5
210	0.1
220	-0.1
230	-0.6
240	-0.8
250	-0.4

System Status at Event (Record 3)

Event Counter at Event (Counts)	3
Multi-Event, Number of Events	1. Event
Time from Initial Event to Current Event (msec)	0.0
Time from Previous Event to Current Event (msec)	0.0
Vehicle Mileage (km)	49,270
Operating Time (min)	66,017
Ignition Cycle at Event (Cycles)	4,605
Ignition Cycle at Download (Cycles)	4,609
Maximum Delta-V, Longitudinal (MPH [km/h])	-21.1 [-34]
Time, Maximum Delta-V, Longitudinal (msec)	300.0
Clipping Time, Longitudinal Acceleration Sensor (msec)	Clipping Not Reached
Maximum Delta-V, Lateral (MPH [km/h])	-2.5 [-4]
Time, Maximum Delta-V, Lateral (msec)	290.0
Clipping Time, Lateral Acceleration Sensor (msec)	Clipping Not Reached
Time, Maximum Delta-V, Resultant (msec)	300.0
Time from Last Speed Data Sample (Pre-crash) to Time Zero (msec)	378
Vehicle Identification Number (VIN)	Data Not Available
Supply Voltage (Before Event) (V)	14.2
Complete File Recorded	Completed Successfully

Deployment Command Data (Record 3)

Pretensioner, Time to 1st Stage Deployment, Driver (msec)	22
Belt-Load Limiter, Time to Deployment, Driver (msec)	222
Frontal Airbag, Time to 1st Stage Deployment, Driver (msec)	22
Side Airbag, Time to Deployment 1st Stage, Driver (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Driver Side (msec)	22
Pretensioner, Time to 1st Stage Deployment, Front Passenger (msec)	22
Belt-Load Limiter, Time to Deployment, Front Passenger (msec)	222
Frontal Airbag, Time to 1st Stage Deployment, Front Passenger (msec)	22
Frontal Airbag, Time to 2nd Stage Deployment, Front Passenger (msec)	27
Frontal Airbag, 2nd Stage Disposal, Front Passenger	No Disposal
Side Airbag, Time to Deployment 1st Stage, Front Passenger (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Passenger Side (msec)	22

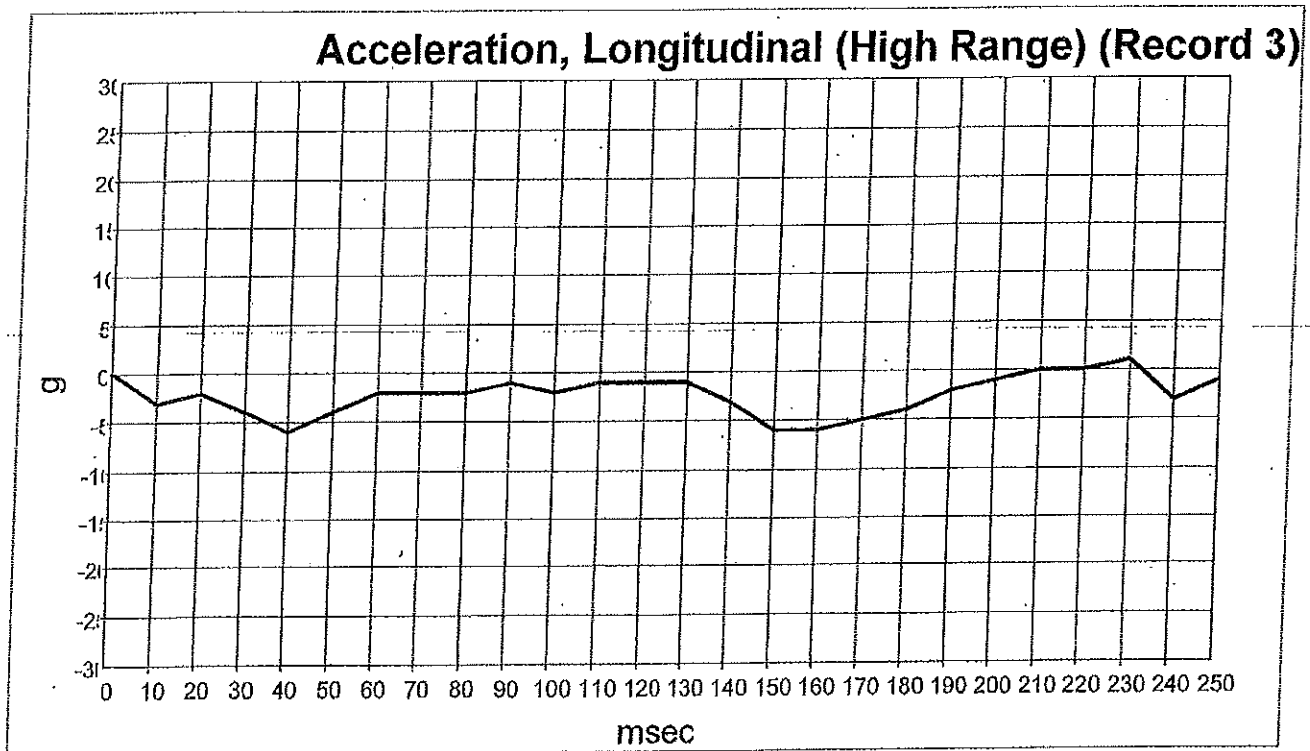
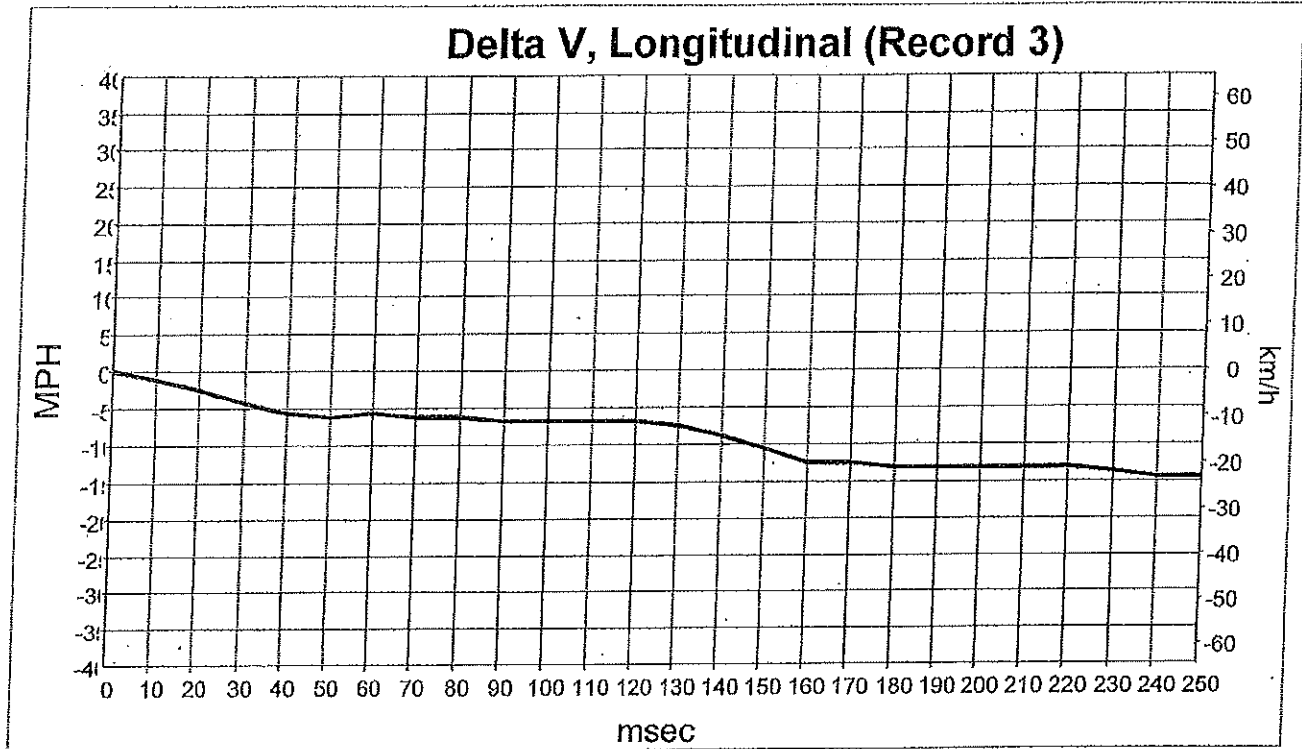
Pre-Crash Data -1 Sec (Record 3)

Safety Belt Status, Driver	Not Belted
Seat Track Position Switch Status, Driver	Rear
Safety Belt Status, Front Passenger	Belted
Seat Track Position Switch Status, Front Passenger	Rear
Occupant Size Classification, Front Passenger	Not Empty
Frontal Airbag Disable Indicator Status, Passenger	Off
Airbag Warning Lamp, Status	Off

Pre-Crash Data -5 to 0 sec (Record 3)

Time (sec)	Engine RPM (Combustion Engine) (RPM)	Speed, Vehicle Indicated (MPH [km/h])	Accelerator Pedal (%)	Service Brake Activation
-5.0	2176	75 [121]	43	Off
-4.5	2176	75 [121]	44	Off
-4.0	2176	75 [121]	45	Off
-3.5	2176	75 [121]	46	Off
-3.0	2176	76 [122]	46	Off
-2.5	2176	76 [122]	46	Off
-2.0	2176	76 [122]	46	Off
-1.5	2240	76 [122]	46	Off
-1.0	2240	76 [123]	46	Off
-0.5	2240	76 [123]	46	Off
0.0	2240	77 [124]	46	Off

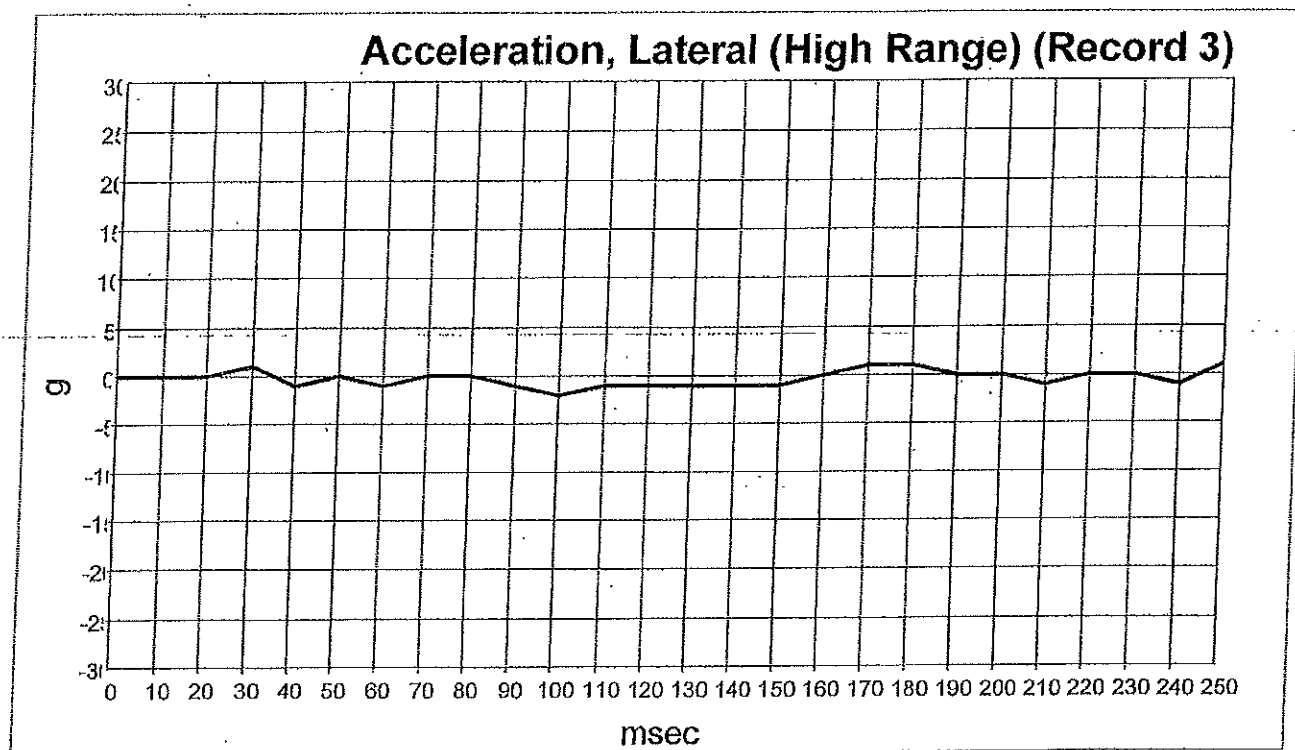
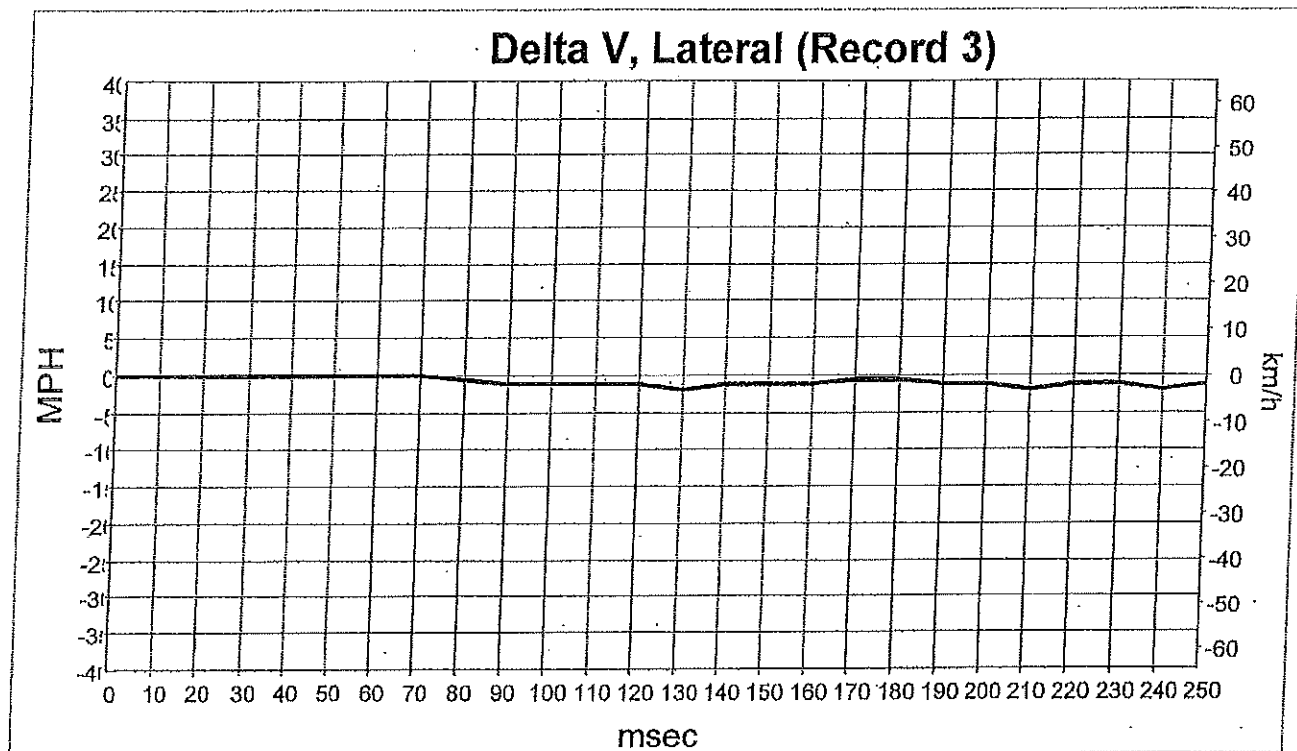
Longitudinal Crash Pulse (Record 3)



Longitudinal Crash Pulse (Record 3)

Time (msec)	Delta-V, Longitudinal (MPH [km/h])	Longitudinal Acceleration High Range
0	0.0 [0]	0.00
10	-1.2 [-2]	-2.90
20	-2.5 [-4]	-2.24
30	-4.3 [-7]	-4.42
40	-5.6 [-9]	-6.35
50	-6.2 [-10]	-4.48
60	-5.6 [-9]	-2.46
70	-6.2 [-10]	-1.90
80	-6.2 [-10]	-1.59
90	-6.8 [-11]	-1.39
100	-6.8 [-11]	-1.54
110	-6.8 [-11]	-0.79
120	-6.8 [-11]	-0.61
130	-7.5 [-12]	-0.95
140	-8.7 [-14]	-3.12
150	-10.6 [-17]	-5.64
160	-12.4 [-20]	-6.44
170	-12.4 [-20]	-4.82
180	-13.0 [-21]	-3.67
190	-13.0 [-21]	-2.39
200	-13.0 [-21]	-0.92
210	-13.0 [-21]	-0.06
220	-13.0 [-21]	-0.02
230	-13.7 [-22]	0.52
240	-14.3 [-23]	-3.37
250	-14.3 [-23]	-1.47

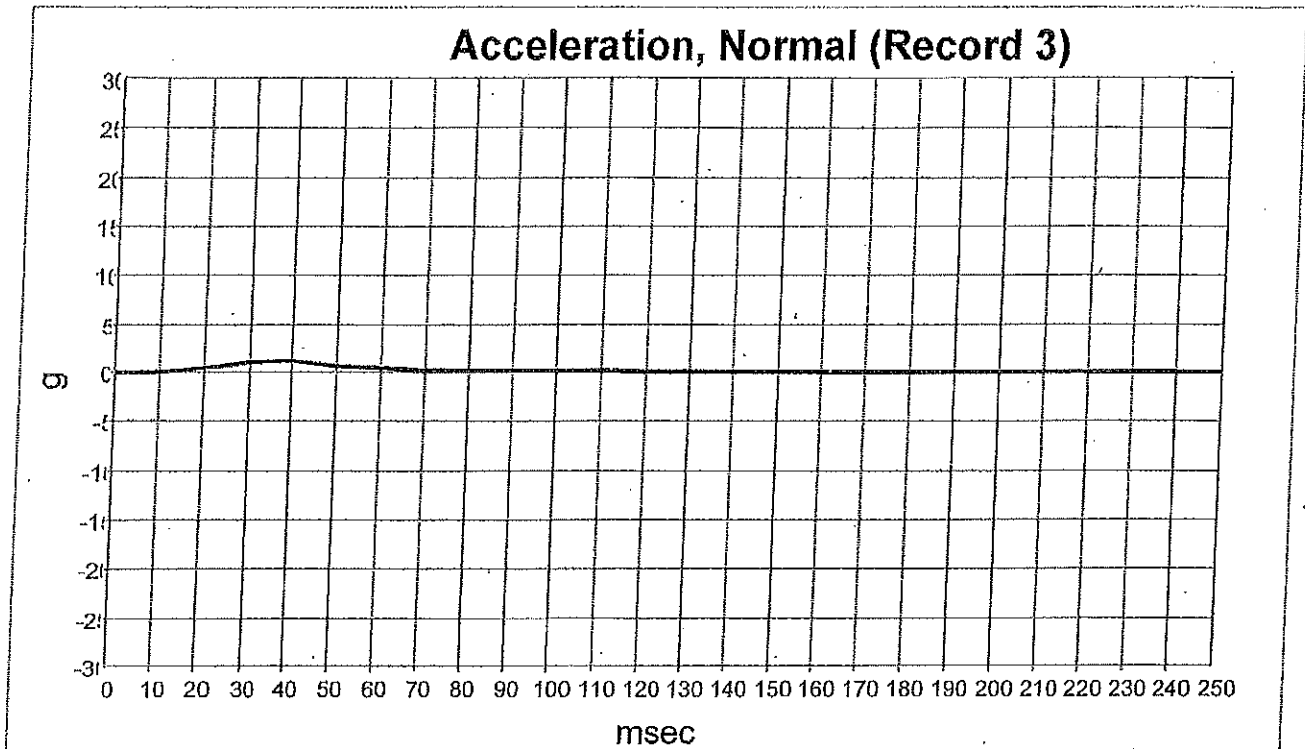
Lateral Crash Pulse (Record 3)



Lateral Crash Pulse (Record 3)

Time (msec)	Delta-V, Lateral (MPH [km/h])	Lateral Acceleration High Range (g)
0	0.0 [0]	0.25
10	0.0 [0]	0.00
20	0.0 [0]	0.35
30	0.0 [0]	0.69
40	0.0 [0]	-0.95
50	0.0 [0]	0.01
60	0.0 [0]	-0.53
70	0.0 [0]	0.02
80	-0.6 [-1]	-0.04
90	-1.2 [-2]	-1.15
100	-1.2 [-2]	-1.76
110	-1.2 [-2]	-0.92
120	-1.2 [-2]	-0.51
130	-1.9 [-3]	-0.70
140	-1.2 [-2]	-1.27
150	-1.2 [-2]	-0.98
160	-1.2 [-2]	0.33
170	-0.6 [-1]	1.35
180	-0.6 [-1]	0.55
190	-1.2 [-2]	0.44
200	-1.2 [-2]	-0.08
210	-1.9 [-3]	-0.87
220	-1.2 [-2]	0.21
230	-1.2 [-2]	0.10
240	-1.9 [-3]	-0.59
250	-1.2 [-2]	0.62

Normal Acceleration (Record 3)



Time (msec)	Normal Acceleration (g)
0	0.0
10	0.0
20	0.5
30	1.0
40	1.1
50	0.6
60	0.4
70	0.2
80	0.2
90	0.2
100	0.2
110	0.2
120	0.0
130	0.0
140	0.0
150	0.0
160	0.0
170	0.0
180	0.0
190	0.0
200	0.0
210	0.0
220	0.0
230	0.0
240	0.0
250	0.0

System Status at Event (Record 4)

Event Counter at Event (Counts)	2
Multi-Event, Number of Events	1. Event
Time from Initial Event to Current Event (msec)	0.0
Time from Previous Event to Current Event (msec)	0.0
Vehicle Mileage (km)	28,470
Operating Time (min)	39,942
Ignition Cycle at Event (Cycles)	2,474
Ignition Cycle at Download (Cycles)	4,609
Maximum Delta-V, Longitudinal (MPH [km/h])	-7.5 [-12]
Time, Maximum Delta-V, Longitudinal (msec)	280.0
Clipping Time, Longitudinal Acceleration Sensor (msec)	Clipping Not Reached
Maximum Delta-V, Lateral (MPH [km/h])	1.2 [2]
Time, Maximum Delta-V, Lateral (msec)	32.5
Clipping Time, Lateral Acceleration Sensor (msec)	Clipping Not Reached
Time, Maximum Delta-V, Resultant (msec)	280.0
Time from Last Speed Data Sample (Pre-crash) to Time Zero (msec)	407
Vehicle Identification Number (VIN)	Data Not Available
Supply Voltage (Before Event) (V)	14.2
Complete File Recorded	Completed Successfully

Deployment Command Data (Record 4)

Pretensioner, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Driver (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Driver (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Driver Side (msec)	Not Deployed
Pretensioner, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 2nd Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, 2nd Stage Disposal, Front Passenger	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Front Passenger (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Passenger Side (msec)	Not Deployed

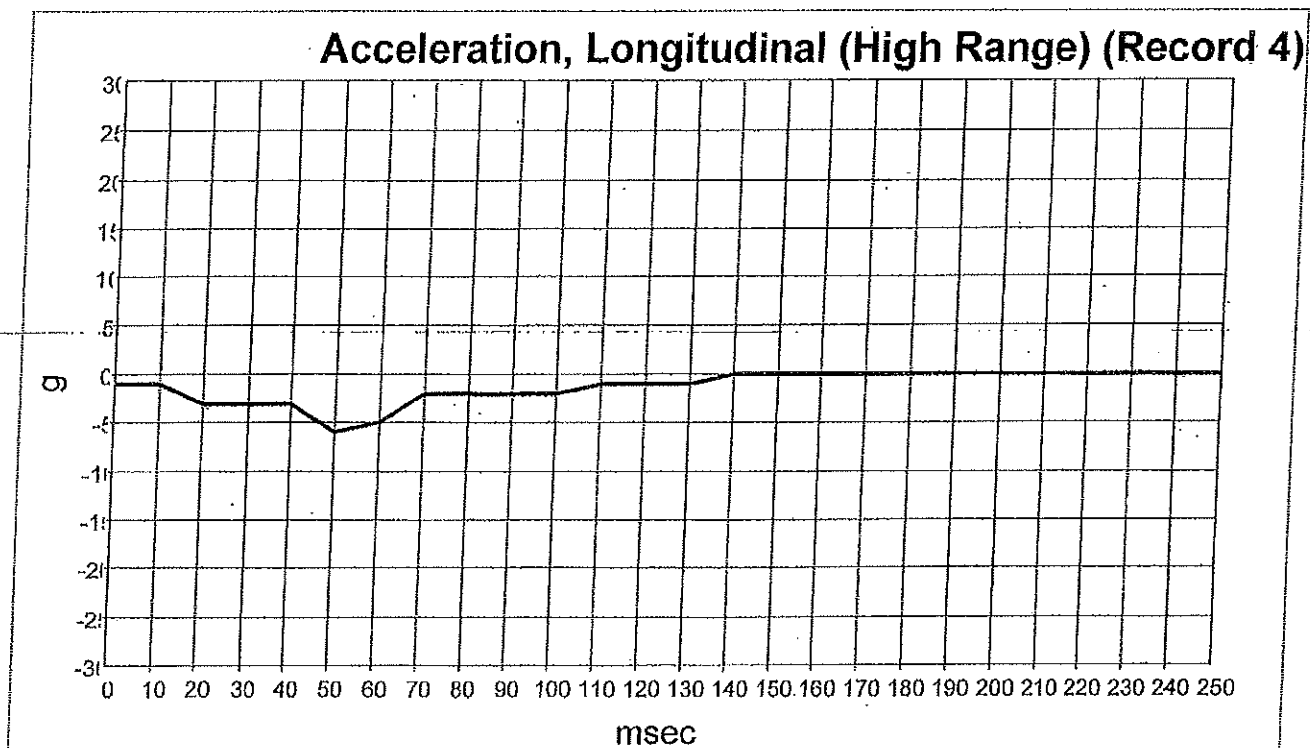
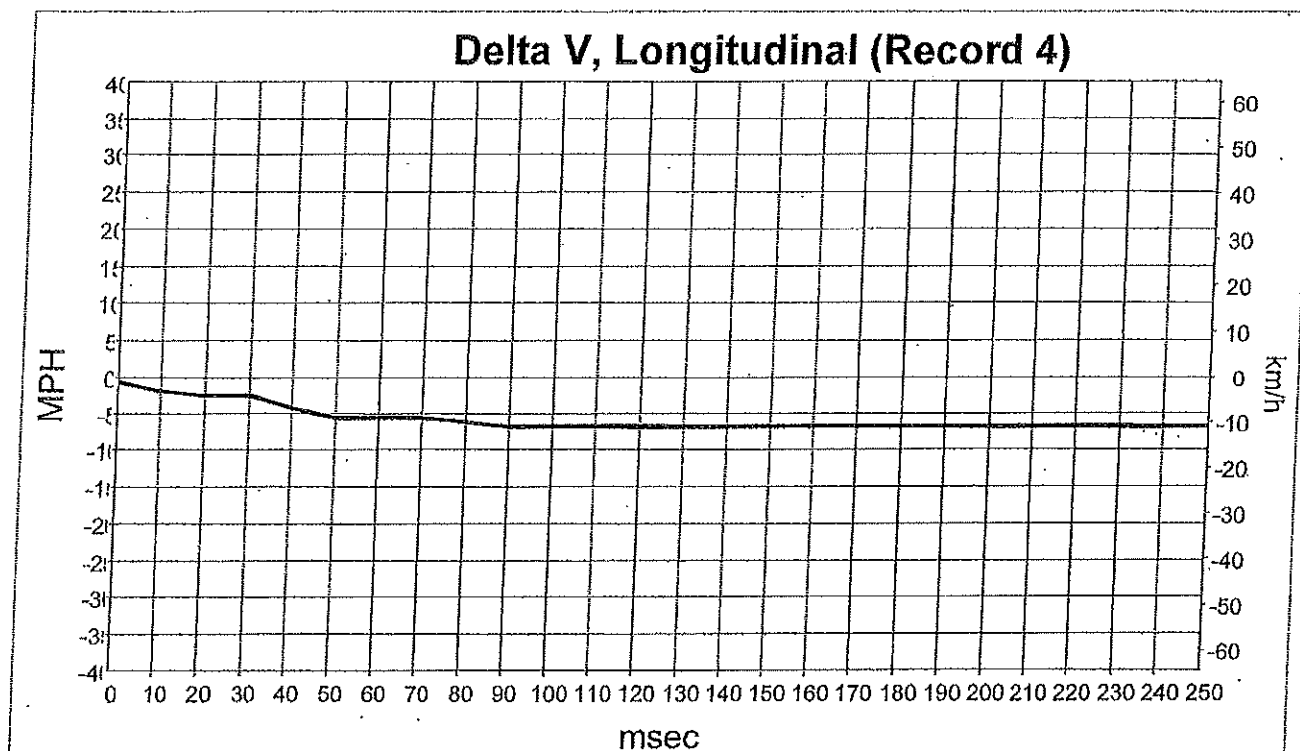
Pre-Crash Data -1 Sec (Record 4)

Safety Belt Status, Driver	Not Belted
Seat Track Position Switch Status, Driver	Rear
Safety Belt Status, Front Passenger	Not Belted
Seat Track Position Switch Status, Front Passenger	Rear
Occupant Size Classification, Front Passenger	Empty
Frontal Airbag Disable Indicator Status, Passenger	On
Airbag Warning Lamp, Status	Off

Pre-Crash Data -5 to 0 sec (Record 4)

Time (sec)	Engine RPM (Combustion Engine) (RPM)	Speed, Vehicle Indicated (MPH [km/h])	Accelerator Pedal (%)	Service Brake Activation
-5.0	2368	40 [65]	44	Off
-4.5	2048	42 [67]	44	Off
-4.0	2112	42 [68]	43	Off
-3.5	2112	43 [70]	42	Off
-3.0	2176	45 [72]	41	Off
-2.5	1728	45 [73]	39	Off
-2.0	1600	45 [73]	0	Off
-1.5	1472	45 [73]	10	Off
-1.0	1280	45 [73]	19	Off
-0.5	1408	45 [73]	22	Off
0.0	1280	43 [70]	0	On

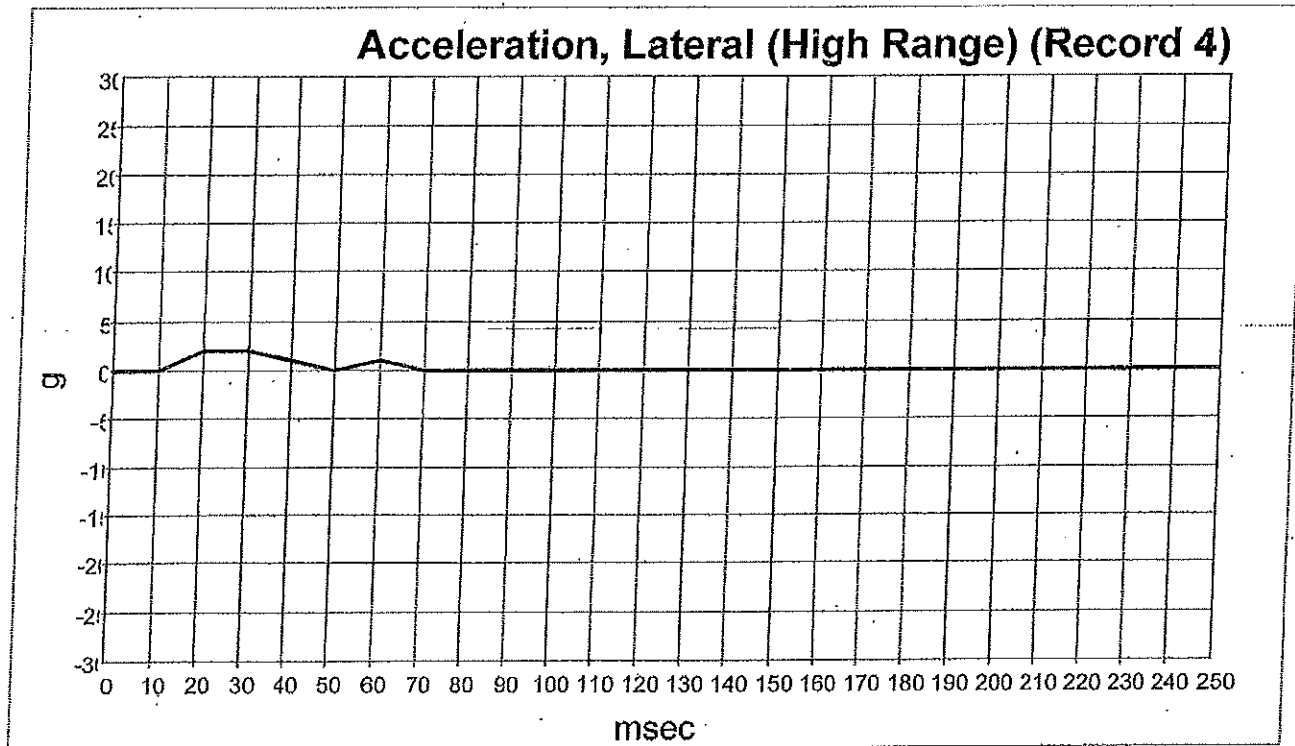
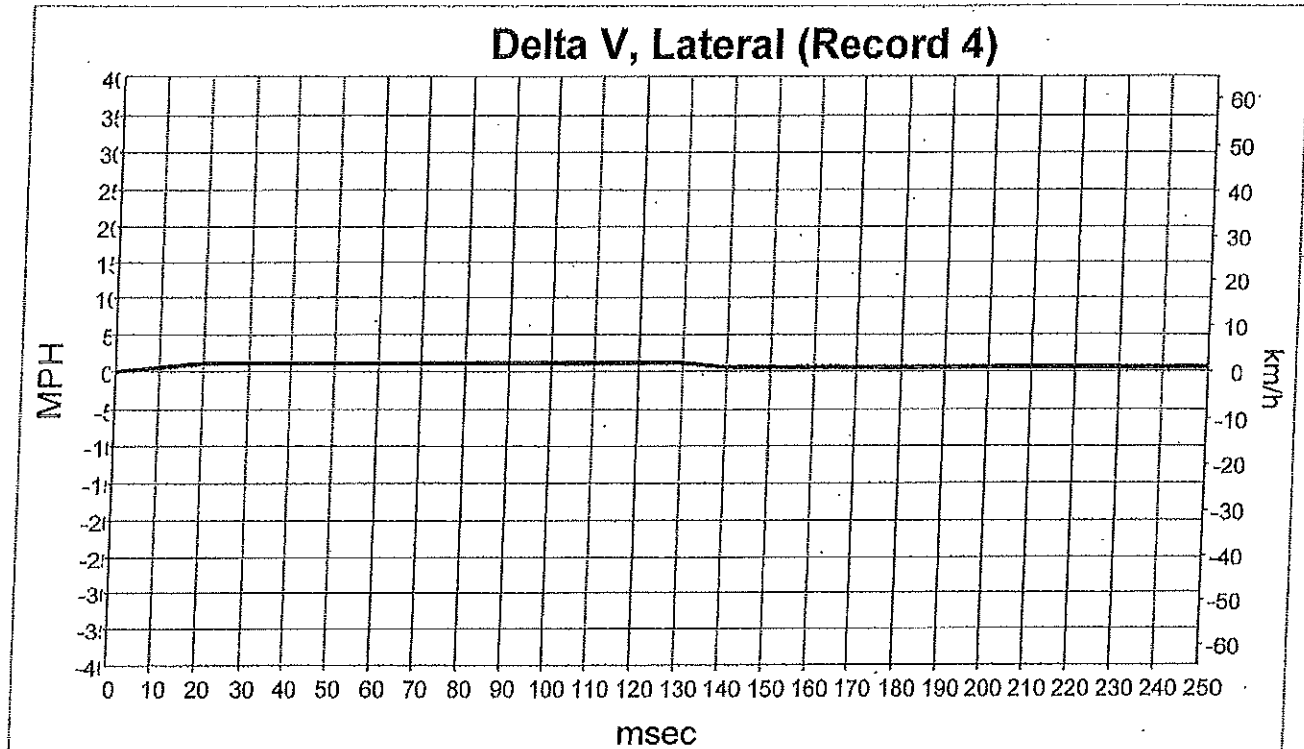
Longitudinal Crash Pulse (Record 4)



Longitudinal Crash Pulse (Record 4)

Time (msec)	Delta-V, Longitudinal (MPH [km/h])	Longitudinal Acceleration High Range
0	-0.6 [-1]	-0.69
10	-1.9 [-3]	-1.35
20	-2.5 [-4]	-3.00
30	-2.5 [-4]	-2.85
40	-4.3 [-7]	-3.10
50	-5.6 [-9]	-5.55
60	-5.6 [-9]	-4.68
70	-5.6 [-9]	-2.30
80	-6.2 [-10]	-2.40
90	-6.8 [-11]	-2.02
100	-6.8 [-11]	-1.52
110	-6.8 [-11]	-1.04
120	-6.8 [-11]	-0.88
130	-6.8 [-11]	-0.51
140	-6.8 [-11]	-0.28
150	-6.8 [-11]	-0.01
160	-6.8 [-11]	0.00
170	-6.8 [-11]	-0.32
180	-6.8 [-11]	-0.37
190	-6.8 [-11]	-0.30
200	-6.8 [-11]	-0.25
210	-6.8 [-11]	-0.25
220	-6.8 [-11]	-0.27
230	-6.8 [-11]	-0.27
240	-6.8 [-11]	-0.16
250	-6.8 [-11]	-0.07

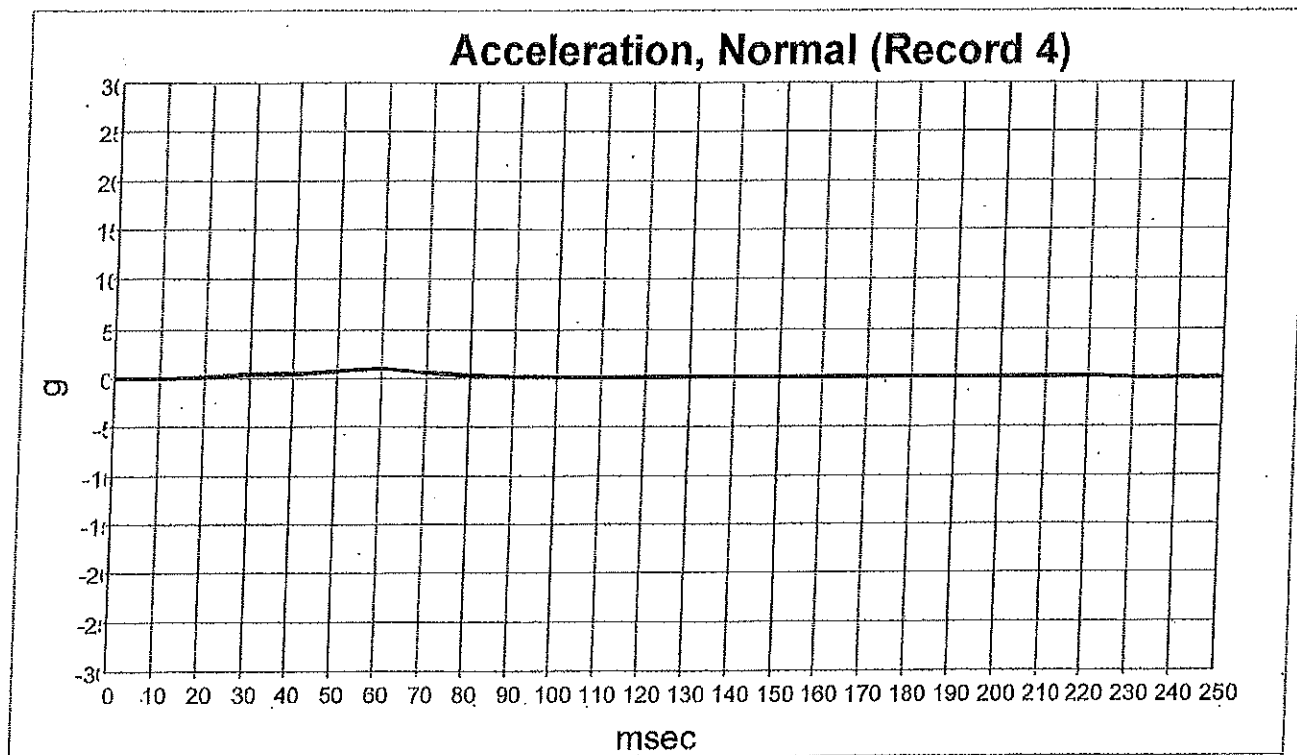
Lateral Crash Pulse (Record 4)



Lateral Crash Pulse (Record 4)

Time (msec)	Delta-V, Lateral (MPH [km/h])	Lateral Acceleration High Range (g)
0	0.0 [0]	0.07
10	0.6 [1]	0.41
20	1.2 [2]	1.76
30	1.2 [2]	1.92
40	1.2 [2]	1.16
50	1.2 [2]	-0.23
60	1.2 [2]	0.50
70	1.2 [2]	0.43
80	1.2 [2]	0.28
90	1.2 [2]	-0.32
100	1.2 [2]	0.14
110	1.2 [2]	0.30
120	1.2 [2]	-0.23
130	1.2 [2]	0.04
140	0.6 [1]	-0.25
150	0.6 [1]	-0.30
160	0.6 [1]	-0.35
170	0.6 [1]	-0.21
180	0.6 [1]	-0.22
190	0.6 [1]	-0.25
200	0.6 [1]	-0.43
210	0.6 [1]	-0.32
220	0.6 [1]	-0.06
230	0.6 [1]	-0.04
240	0.6 [1]	-0.12
250	0.6 [1]	-0.21

Normal Acceleration (Record 4)



Time (msec)	Normal Acceleration (g)
0	0.0
10	0.0
20	0.2
30	0.4
40	0.4
50	0.7
60	1.0
70	0.6
80	0.3
90	0.2
100	0.2
110	0.2
120	0.2
130	0.2
140	0.2
150	0.2
160	0.2
170	0.2
180	0.2
190	0.2
200	0.1
210	0.1
220	0.1
230	0.0
240	0.0
250	0.0

System Status at Event (Record 5)

Event Counter at Event (Counts)	1
Multi-Event, Number of Events	1. Event
Time from Initial Event to Current Event (msec)	0.0
Time from Previous Event to Current Event (msec)	0.0
Vehicle Mileage (km)	3,680
Operating Time (min)	5,128
Ignition Cycle at Event (Cycles)	395
Ignition Cycle at Download (Cycles)	4,609
Maximum Delta-V, Longitudinal (MPH [km/h])	11.2 [18]
Time, Maximum Delta-V, Longitudinal (msec)	97.5
Clipping Time, Longitudinal Acceleration Sensor (msec)	Clipping Not Reached
Maximum Delta-V, Lateral (MPH [km/h])	-1.2 [-2]
Time, Maximum Delta-V, Lateral (msec)	55.0
Clipping Time, Lateral Acceleration Sensor (msec)	Clipping Not Reached
Time, Maximum Delta-V, Resultant (msec)	97.5
Time from Last Speed Data Sample (Pre-crash) to Time Zero (msec)	329
Vehicle Identification Number (VIN)	Data Not Available
Supply Voltage (Before Event) (V)	14.5
Complete File Recorded	Completed Successfully

Deployment Command Data (Record 5)

Pretensioner, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Driver (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Driver (msec)	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Driver (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Driver Side (msec)	Not Deployed
Pretensioner, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Belt-Load Limiter, Time to Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 1st Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, Time to 2nd Stage Deployment, Front Passenger (msec)	Not Deployed
Frontal Airbag, 2nd Stage Disposal, Front Passenger	Not Deployed
Side Airbag, Time to Deployment 1st Stage, Front Passenger (msec)	Not Deployed
Side Curtain/Tube Airbag, Time to Deployment, Passenger Side (msec)	Not Deployed

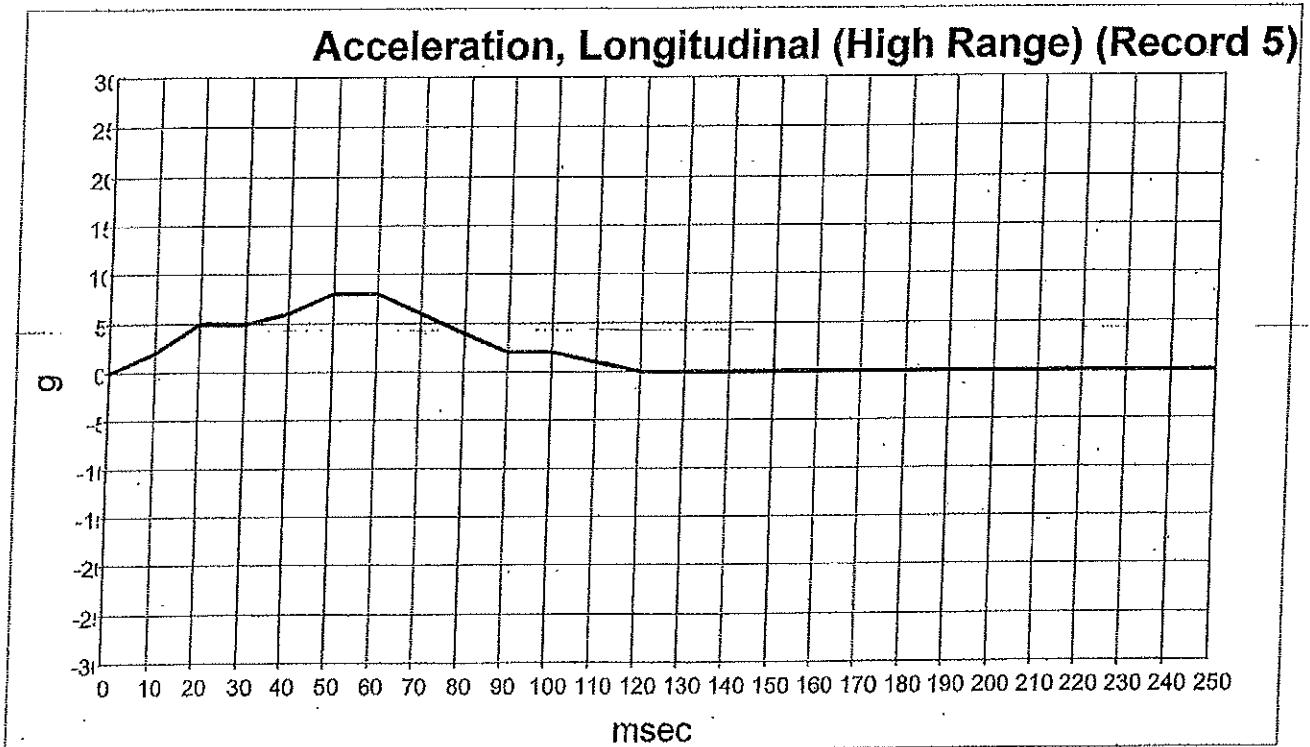
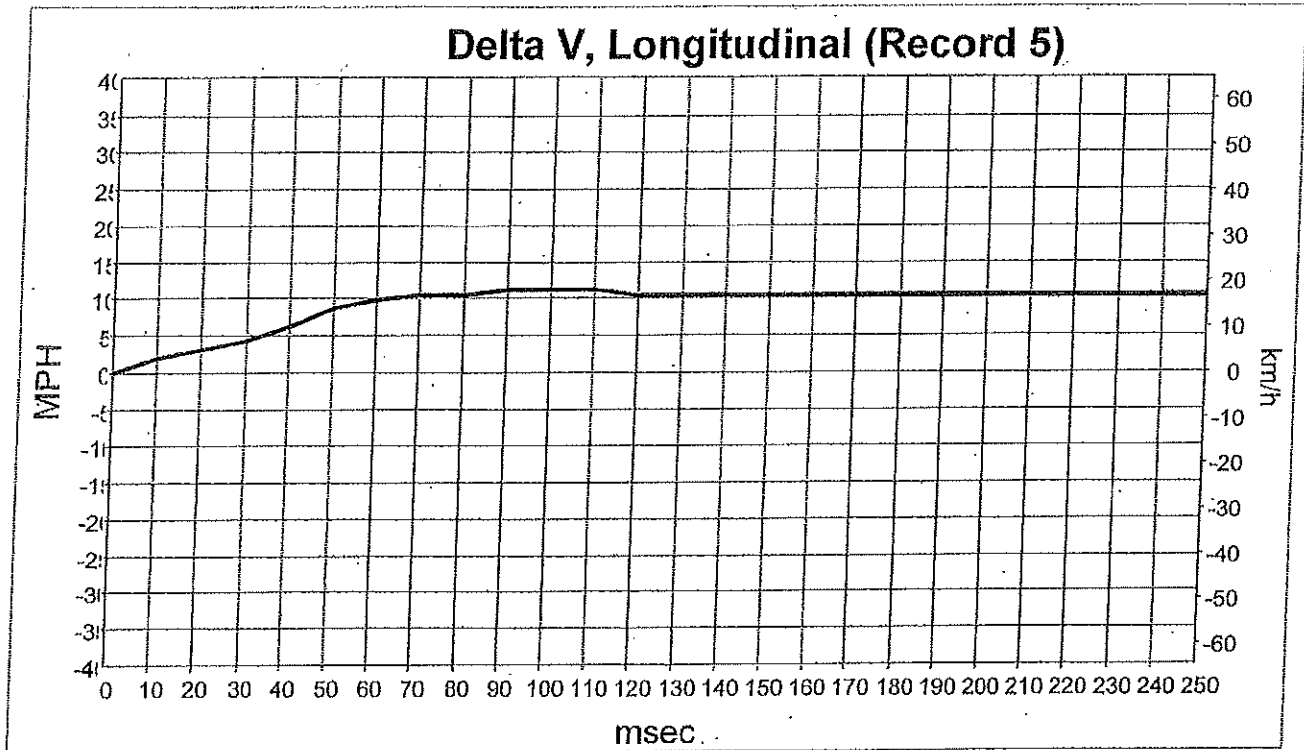
Pre-Crash Data -1 Sec (Record 5)

Safety Belt Status, Driver	Belted
Seat Track Position Switch Status, Driver	Rear
Safety Belt Status, Front Passenger	Not Belted
Seat Track Position Switch Status, Front Passenger	Rear
Occupant Size Classification, Front Passenger	Empty
Frontal Airbag Disable Indicator Status, Passenger	On
Airbag Warning Lamp, Status	Off

Pre-Crash Data -5 to 0 sec (Record 5)

Time (sec)	Engine RPM (Combustion Engine) (RPM)	Speed, Vehicle Indicated (MPH [km/h])	Accelerator Pedal (%)	Service Brake Activation
-5.0	1984	9 [14]	41	Off
-4.5	2176	11 [17]	43	Off
-4.0	2304	12 [19]	46	Off
-3.5	1856	12 [20]	44	Off
-3.0	1280	13 [21]	0	Off
-2.5	1088	12 [19]	0	On
-2.0	896	9 [15]	0	On
-1.5	832	7 [11]	0	On
-1.0	832	5 [8]	0	On
-0.5	768	2 [4]	0	On
0.0	832	1 [1]	0	On

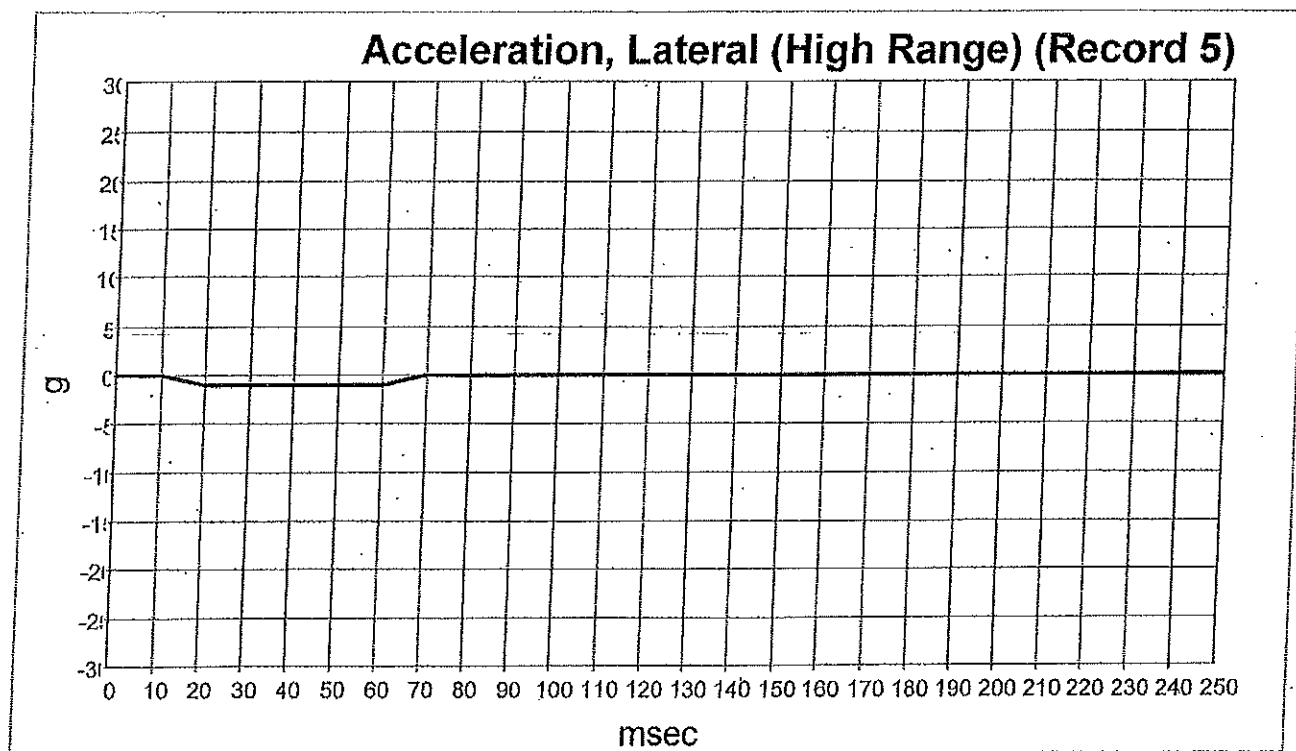
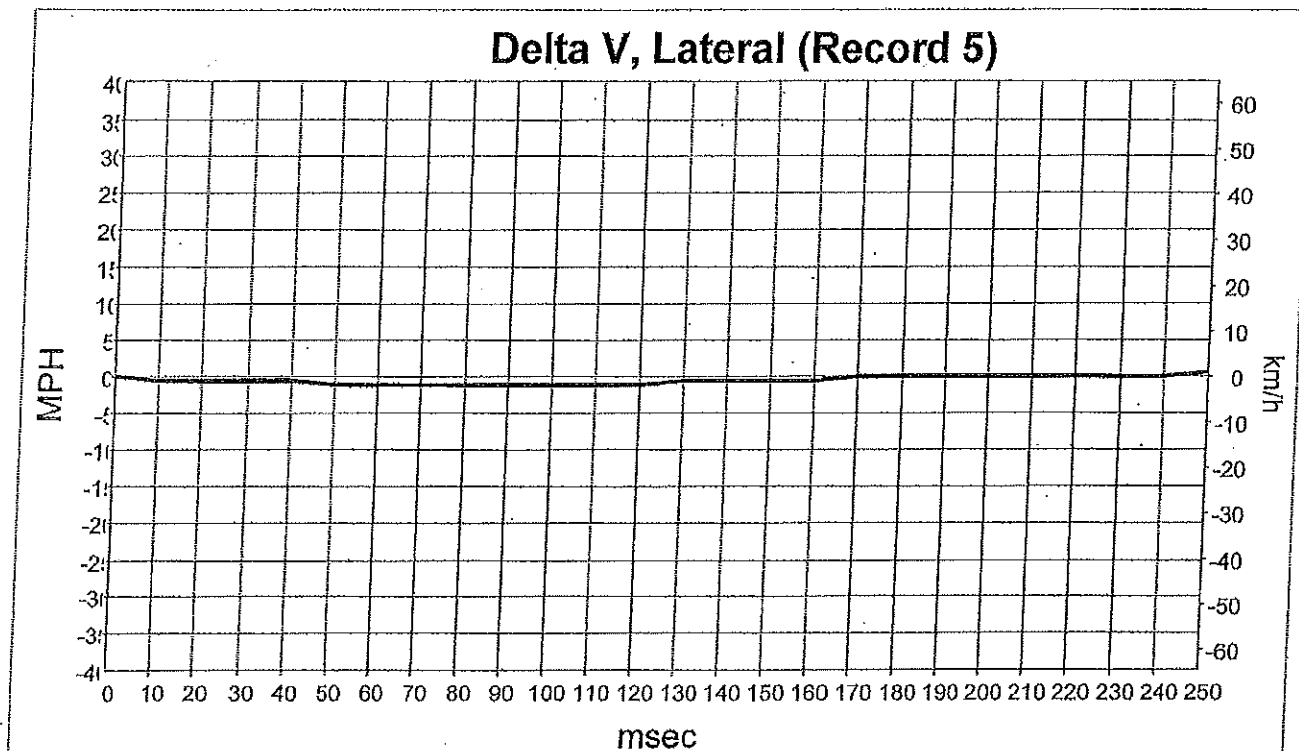
Longitudinal Crash Pulse (Record 5)



Longitudinal Crash Pulse (Record 5)

Time (msec)	Delta-V, Longitudinal (MPH [km/h])	Longitudinal Acceleration High Range
0	0.0 [0]	0.01
10	1.9 [3]	2.38
20	3.1 [5]	4.90
30	4.3 [7]	4.64
40	6.2 [10]	5.66
50	8.7 [14]	8.42
60	9.9 [16]	8.40
70	10.6 [17]	6.39
80	10.6 [17]	3.81
90	11.2 [18]	2.31
100	11.2 [18]	1.75
110	11.2 [18]	0.93
120	10.6 [17]	0.17
130	10.6 [17]	-0.04
140	10.6 [17]	-0.21
150	10.6 [17]	-0.07
160	10.6 [17]	0.00
170	10.6 [17]	0.02
180	10.6 [17]	-0.05
190	10.6 [17]	-0.07
200	10.6 [17]	-0.01
210	10.6 [17]	0.01
220	10.6 [17]	0.10
230	10.6 [17]	0.10
240	10.6 [17]	0.05
250	10.6 [17]	0.05

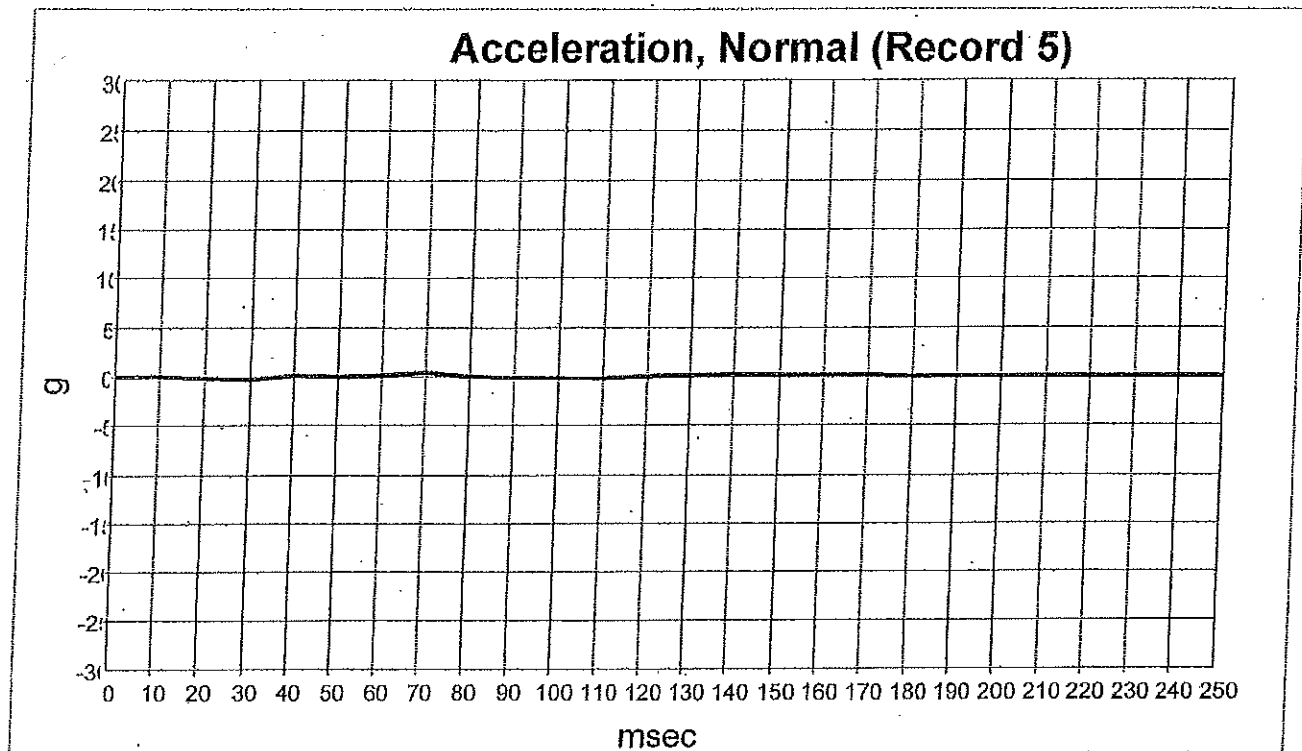
Lateral Crash Pulse (Record 5)



Lateral Crash Pulse (Record 5)

Time (msec)	Delta-V, Lateral (MPH [km/h])	Lateral Acceleration High Range (g)
0	0.0 [0]	0.01
10	-0.6 [-1]	-0.46
20	-0.6 [-1]	-1.01
30	-0.6 [-1]	-1.23
40	-0.6 [-1]	-0.68
50	-1.2 [-2]	-0.78
60	-1.2 [-2]	-1.07
70	-1.2 [-2]	-0.28
80	-1.2 [-2]	-0.16
90	-1.2 [-2]	0.07
100	-1.2 [-2]	0.00
110	-1.2 [-2]	0.06
120	-1.2 [-2]	0.10
130	-0.6 [-1]	0.14
140	-0.6 [-1]	0.34
150	-0.6 [-1]	0.46
160	-0.6 [-1]	0.49
170	0.0 [0]	0.49
180	0.0 [0]	0.42
190	0.0 [0]	0.42
200	0.0 [0]	0.39
210	0.0 [0]	0.39
220	0.0 [0]	0.39
230	0.0 [0]	0.39
240	0.0 [0]	0.35
250	0.6 [1]	0.35

Normal Acceleration (Record 5)



Time (msec)	Normal Acceleration (g)
0	0.0
10	0.0
20	-0.1
30	-0.3
40	0.1
50	0.0
60	0.1
70	0.5
80	0.0
90	-0.1
100	-0.2
110	-0.2
120	0.0
130	0.1
140	0.1
150	0.1
160	0.1
170	0.1
180	0.0
190	0.0
200	0.0
210	0.0
220	0.0
230	0.0
240	0.0
250	0.0



Hexadecimal Data

```
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7F E4 7F EF 7F D9 7F D5 7F DE 7F D8 7F DB 7F E3
7F E6 7F DB 7F DC 7F DB 7F D9 7F D1 7F C6 7F CD
7F D7 7F C7 7F B8 7F B1 7F B5 7F B8 00 17 64 01
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80 38 80 38 80 34 80 34 80 35 80 38 80 3B 80 3F
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FA18 00 00

03/12/2019

Jacques J. Kirch, Esq.
Law Offices of Jacques J. Kirch
316 South Melrose Drive, Suite 200
Vista, CA 92081

RE: Claim 18007043 for Gonzalo Trinidad Martinez, Sergio Antonio Martinez Jr., Sergio Martinez Sr., and Nidia Martinez against Department of Transportation (CalTrans)

Dear Jacques J. Kirch, Esq.,

Government Claims Program (GCP) staff completed its investigation of your claim and rejected it for the following reasons.

The claim involves complex issues that are beyond the scope of analysis and legal interpretation typically undertaken by the GCP. Claims involving complex issues are best determined by the courts. Therefore, staff did not make a determination regarding the merit of the claim, and it is being rejected so you can initiate court action if you choose to pursue this matter further.

If you choose to pursue court action in this matter, it is not necessary or proper to include the GCP in your lawsuit unless the GCP was identified as a defendant in your original claim. Please consult Government Code section 955.4 regarding proper service of the summons.

If you have questions about this matter, please feel free to contact GCP by phone, mail, or email using the contact information below. Please remember to reference the assigned claim number (18007043) in your communication.

Sincerely,



Trevor Rabena, Program Analyst
Government Claims Program
gcinfo@dgs.ca.gov

WARNING: Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

DECLARATION OF SERVICE BY U.S. MAIL

Name of Claimant: Gonzalo Trinidad Martinez, Sergio Antonio Martinez Jr., Sergio Martinez Sr., and Nidia Martinez
GCP File no.: 18007043

I am employed by the Government Claims Program. I am 18 years of age or older. I am familiar with the business practice at the Government Claims Program for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Government Claims Program is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. On 03/12/2019, I served the attached letter by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Government Claims Program, located at 707 Third Street, West Sacramento, CA 95605, addressed as follows:

Jacques J. Kirch, Esq.,
Law Offices of Jacques J. Kirch
316 South Melrose Drive, Suite 200
Vista, CA 92081

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 03/12/2019, at West Sacramento, California.



Trevor Rabena